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HENRY M. GILL,

Corresponding Secretary,

The Casino, New Orleans, La.

THE LOUISIANA HISTORICAL QUARTERLY

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* Mr. Whittington died August 31, 1932, while this number of the Quarterly was in progress.

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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 15, No. 4

October, 1932

RAPIDES PARISH, LOUISIANA A History

BY G. P. WHITTINGTON*
Alexandria, La.

Dedicated to the memory of my
father and mother, William W.
and Emily Whittington.

FOREWORD.

NO one has ever attempted to write the history of Rapides Parish, my home land and that of my ancestors. A pardonable pride has prompted this attempt to tell the story for the benefit of others.

The destruction of all of the records usually found in court houses, newspaper files, and private papers of the people of a community seriously handicaps one who essays such a task. When the Union Army abandoned Alexandria on May 13th, 1864, the torch was applied to the town with the result that all public buildings, business houses, newspaper plants, churches, and private homes within its limits were reduced to ashes. This accounts for the lack of all research material.

The newspaper files in the Congressional Library in Washington, D. C., the Library of the State University at Baton Rouge; the Town Talk Office and the Public Library in Alexandria, the Reports of the State Supreme Court, the acts and journals of the Constitutional Conventions and the Sessions of the General Assembly, many books, and conversations with numerous former residents of this parish, who were friends of my father and mother, have all been used as material for this sketch.

* We regret to announce the death of Mr. Whittington on August 31, 1932.—Editor *La. Hist. Qtrly.*

I am indebted to many people for assistance, but especially to Mr. Henry P. Dart, the editor of the *Louisiana Historical Quarterly* for advice and encouragement; Mr. Robert Dabney Calhoun of Vidalia, La., for material furnished; Dr. G. M. G. Stafford of Alexandria, La., for help with family histories; and Mr. J. Fair Hardin of Shreveport, La., for kindly co-operation.

Without the aid and encouragement of my wife, Mrs. Mary Thomas Whittington, this history would not have been undertaken or completed. It is as much her work as mine.

The following material is submitted to the public with the hope that it will be of help to others. If it is, or ever shall be, I will be amply repaid for labor done and time spent.

Alexandria, La., March, 1932.

G. P. WHITTINGTON.

CHAPTER I

THE NAME, BOUNDARIES AND PHYSICAL FEATURES.

THE name Rapides is a form of the early designation given to the original district and county. It is derived from the fact that in former days there was located in the river just above the present city of Alexandria a rapid or rapids, which for practically half of the year was an impediment to all navigation,¹ even the smallest of crafts.

During the 18th century a post was located at these rapids by the French and it was referred to as the Post de Rapide. Later when the Spanish owned Louisiana it was referred to as ElRapido, and when our American forefathers came to Louisiana in the 19th century and took possession of the alluvial valley of the river and bayous and acquired the ownership of farms and plantations their letters came from the Post at the rapids on Red River. The act of the Council of the Territory of Orleans called the sub-division the county of Rapide, and the Legislature of the Territory in 1807 added an "s" and made it the parish of Rapides, and thus it has been called to the present time. The settlement made around or near the original post has become the two towns of Alexandria and Pineville as the original location of the post was around these two points.

¹ M. de Pages: *Travels Round the World 1767-1771*, Vol. 1, page 43; Freeman & Custis: *Account of the Red River in Louisiana*, drawn from a report to the War Department, page 8; also James Long's Expedition, Vol. 4, page 63; Stoddard (Major Amos): *Sketches Historical and Descriptive of Louisiana*, page 186; Sibley (Dr. John): *Historical Sketch (Annals of Congress, 9th Cong., 2nd Sess., page 1089; Flint (Timothy): Recollections of the Last Ten Years, page 323; Porter (Admiral D. D.): Incidents of the Civil War, page 245.*

The Parish of Rapides is practically in the center of the State. The base meridian or the 31st parallel of latitude crosses the principal meridian within the southern limits of the parish, and it is from the meridian and base line that the majority of the townships of the state are numbered.

The parish is bounded on the north by the parishes of Natchitoches and Grant, on the east by Red River, and the Parishes of Avoyelles and LaSalle, on the south by Avoyelles, Evangeline and Allen parishes and on the west by the parish of Vernon. Within the above boundaries there are 1372 square miles or 975,440 acres of land, of which about one-sixth is located within the alluvial valley of Red River and its tributaries. The other five-sixths are made up of pine hills and pine flats, with a few hammocks intervening.

Red River flows through the parish from northwest to southeast and with bayou Boeuf, which at one time was connected with the river and flows south from near the present Boyce to the parish line below Cheneyville, furnish drainage channels for this alluvial section.

To the east of the river (or north as it is sometimes referred to in the description of lands) the lands are what are generally known as "pine-hills" and were in former times covered with long-leaf pine trees. These hills come down to the river in a number of places forming bluffs, while in the other sections the land between the hills and the river banks will not be more than a half mile wide. These hill lands, watered and drained by spring fed creeks, are usually free of mosquitoes and in days past were considered the ideal places for the summer homes of the planters and business men who lived on the alluvial lands.

To the west of the alluvial lands we find a mixture of hills and pine-flats with the watershed sending part of the rain fall to Red River and the other to the Calcasieu. In the northern part of the parish the hills come to the banks of bayou Jean-de-Jean (Rapides) and follow its western bank until McNutt's Hill is reached and bayou Boeuf begins, then following down the western bank of Boeuf to the southern part of the parish. These hills are not as high as those east of the river and the soil is of a different character and while formerly they were covered with pine trees a number of farms have been opened in this section that have proven very profitable to the owners. In the southwestern part of the parish the lands are of a rolling or flat type and are proving

good lands for the usual crops of cotton and corn and very fine for berries, fruits and truck.

The alluvial section or the valley of Red river is drained by that river and bayou Boeuf. These are separate streams today but an examination of the soil shows that they were a part of one system in the past. This original river made an "Ox-bow" from Boyce to Alexandria forming what is now commonly known as bayou Rapides, but which is also known in different sections as Jean-de-Jean, Cotile and Rapides. The upper end of this channel or where it leaves the river the banks are high and usually above high water, and it is believed that at one time this was the main bed of the river and that a raft was formed at the present site of the town of Boyce and during a highwater the river cut its present channel. A few years ago you could find cedar logs buried in the banks of this stream at the upper end. As Bayou Rapides makes its way through the alluvial section that bears its name, we come in contact with other bayous that lead off to the south connecting this stream with Bayou Boeuf, such as Middle bayou, Tiger bayou and bayou Robert. All of these streams have been closed so that the water from Rapides does not now reach Boeuf.

South of the present Alexandria there is another group of bayous that are all connected and also connect the river and Boeuf. This channel is variously called Latannier, Desolt, Lamourie, Wilson, and Choctaw bayou, according to the section in which it is located, but they all go to make up one drainage system that leaves the river ten miles below Alexandria and again joins the same stream in the present Avoyelles parish, and also form connecting links between the river and the bayou.

The alluvial section above referred to is now, and has been, since the coming of the white man, the home of the principal population of the parish.

The Parish as it exists today is but a remnant of what was known as the district and county of Rapides. When the Legislative Council of Orleans Territory met in December, 1804, one of its first acts was to divide the Territory into twelve *counties* and among this number we find the county of Rapide designated. Among other things, this act provided: "the county of Rapide shall comprehend the settlements of Rapide, Avoyelles, Catahoula, Bayou Boeuf, Bayou Robert, and all other settlements which now are, or may be made in the vicinity thereof, and which may in the opinion of the superior court lie nearer or more conveniently to

the court house or seat of justice of the said county of Rapide, than to the court house or seat of justice of any other county."²

This designation of the limits of the county seem to have been as definite as the boundaries used by the French and Spanish for the district of Rapide, or the dependencies of the Post at the rapids.

At a later session of the Legislative Council the line between Natchitoches and Rapides was defined as follows: "The said line shall intersect the Red River at the confluence of the Rigolet de Bon Dieu and shall run from thence on the west, in a direct line to the nearest corner of the county of Opelousas and on the east to the nearest corner of the county of Ouachita."³ This line placed within the parish a part of the present parishes of Grant and Caldwell, all of Catahoula and LaSalle as well as the parish of Avoyelles and part of Vernon. The eastern line was the Ouachita river, the south line was the present southern limit of Avoyelles, with the western line passing across the parish of Vernon as it is known today.

In 1807, the Territory of Orleans was given a limited form of government and the people were permitted to select the members of the Legislature and not have them designated by the Governor as had been done in the past. When this new legislative body assembled it re-divided the state, this time they named nineteen parishes in lieu of the twelve common law counties formerly provided for. That part of the parish known as the Avoyelles settlement and now known as the parish of Avoyelles was declared to be the 16th parish. Rapides became the 15th and its boundaries were again indefinitely fixed as follows: "The settlement of Rapide and its former dependencies shall form the fifteenth parish."⁴

The next year, or in 1808, the territory that now makes up the parishes of Catahoula and LaSalle and a small part of Caldwell was formed into a new parish and called Catalohula,⁵ thus leaving the eastern line of the parish as it is today with the exception of that part that was taken to make up the parish of Grant. In 1869, the parish of Grant was created. This parish was made up of a part of Rapides as well as Natchitoches and Winn.⁶ And finally in 1871, the parish of Vernon was created and another section

² Acts of the Legislature of the Territory of Orleans, for the year 1804-1805, Chapter 26, page 141. Lislet's Digest of the Laws of Louisiana, Vol. 1, page 287.

³ Act of 1809, approved March 16th, 1809, p. 40.

⁴ Act of the Legislature approved March 31st, 1807. Lislet's Digest, Vol. 2, page 169.

⁵ Act approved March 23rd, 1808.

⁶ Act of 1871, page 79.

of Rapides was cut away, leaving the parish in its present shape,⁷ with the exception of a few minor changes of lines that have been made in recent years to make the limits of the parish fixed and determined.

CHAPTER II

INDIANS.

THE names of the earliest tribes of Indians who lived in this section of Louisiana, roamed through its forests in search of game, and floated their canoes upon the waters of its streams cannot be given with any degree of certainty.

From the evidence at hand concerning mounds that are typical of those built by Caddo Indians in other parts of North Louisiana, we have reason to believe that some tribe of this large confederacy at one time made its home along the banks of Red River and its tributaries within the limits of this parish.

The traditions of the Caddo tribe give both sides of Red River, from its mouth to the present upper limits of the state, as the location of their original home, and from this location they moved or were driven north, west and southwest, towards the Gulf of Mexico. Whether they were living along this river in this parish at the time they came in contact with Tonti and the followers of LaSalle, we have no way of knowing, nor do we know whether the followers of DeSoto wandered this far south and west.

These Indians were a semi-sedentary tribe. They cultivated the soil around their villages and depended in part upon the food stuff they raised for subsistence, rather than upon the result of fishing and the chase. They had learned the art of tanning hides, pelts and furs and making garments of them for protection in the winter season, and of making a species of cloth out of the fiber of trees for a summer garment. They had become possessed of horses, evidently obtained directly, or through interposed tribes, from the Spanish colonies of Texas and Mexico, and had become very proficient in raising and training these animals, and in time they carried on an extensive trade with the Indians further north.⁸

There is a tradition that the original home of the "Avoyelles" Indians, was at the rapids on Red River. LePage du Pratz said, that the Avoyelles a small tribe of Indians lived on Red River

⁷ Act of 1871, page 175.

⁸ Handbook of American Indians. (Bulletin No. 30, Bureau of American Ethnology), Vol. 1, page 179, under name Caddo.

above the rapids. He also said that these Indians were the people who brought horses and beef cattle from New Mexico to the French in Louisiana, in large numbers. Another version says that the Avoyelles lived on the left bank of the river ascending, above the rapids and about fifty leagues below the Natchitoches.⁹

In modern times or since they have been known by the white men, they have made their homes on the river in the parish that now bears their name. When they moved south does not seem to be known by the few survivors of this tribe.

The Natchitoches Indians belonged to the Caddo Confederacy. They lived along Red River in the present Natchitoches parish where they were found by Tonti in 1690 and later visited by Iberville and Bienville in 1699. In 1705 part of this tribe followed St. Denis to the present state of Alabama, who settled them near Mobile, where they remained until St. Denis returned and built the fort at Natchitoches in 1712.¹⁰ The story is told that when St. Denis removed the Natchitoches to the French settlement near Mobile, a part of the tribe refused to go but moved to Rapides parish and settled near the rapids in Red River and became a part of the tribe living at that point. By 1776, the remnant of the Natchitoches tribe that had lived around the fort at Natchitoches, had deserted that location and moved to the neighborhood of the post at the rapids, had joined the tribes living in that section and lost their identity as a separate unit, and disappeared from our history.¹¹

With the coming of the whites, these Indians became their friends and allies and carried on a large trade with the merchants located at Natchitoches and the Rapids. This trade consisted principally of dressed deer skins, furs, and pelts, the Indians receiving in return such goods of European Manufacture as the trader could purchase in New Orleans. A number of Frenchmen at both posts married Indian women and raised large families.

In the southern part of the parish was a small tribe known as the Chactos. They were known to have been in this section of Central Louisiana prior to 1753, and at that time their home was near Bayou and Lake Cocodrie in what is now known as Rapides and Evangeline parishes. They were not a branch of the

⁹ DuPratz (LePage), Vol. II, page 241 (Paris, 1758); English translation, Vol. 1, page 275 (London, 1763).

¹⁰ Handbook of American Indians, Vols. 1 and 2 under the names of various tribes; Sibley (J.), Historical Sketches; King (G.), Bienville.

¹¹ Bolton (H. E.), Athanas de Mezieres and the La.-Tex. Frontier, 1769-1780, Vol. 2, page 120, footnote.

Choctaws. They spoke a different language, their own as well as the Mobilian trade language. In the 19th century they abandoned their old location and moved up on Bayou Boeuf near the present Lamourie.¹²

Another tribe that was found in this parish in the early days was a branch of the famous Attakapas tribe that lived in South Louisiana along the Gulf Coast. These people made their home to the South and West of Lake Cocodrie.¹³

A number of mounds were built in this section by the Indians, some along the rivers and have been identified as Caddo mounds, others were in the swamps of Bayous Boeuf and Cocodrie, and these later when opened proved to be burial mounds. On the north or east side of the river in the territory where Rapides, Avoyelles and LaSalle adjoins, along the land between Red River and Little River and the numerous bayous in that section, and around Lake Larto there are a number of large mounds, deep in the swamp and clearly showing that they were built by man and not by nature. Some of these mounds were opened by the late Dr. George E. Beyer of Tulane University and their contents removed.¹⁴ From his report, these mounds were, in part at least, burial mounds. There are other mounds equally as large if not larger that have never been opened. One in particular on Muddy Bayou has trees of great size growing on it and in time of highwater when the Mississippi and Red River are at flood stage, this mound is a refuge for cattle and wild animals as it has never been known to be covered by water.

Who built these mounds of course is not known, but it is the belief of the residents of that section that they were built by the Natchez Indians when they abandoned their homes east of the Mississippi after they massacred the French at Natchez. The old settlers have been told by their ancestors that for a number of years the Natchez made their home in this section, and that after the white people settled this land, that stray Indians would at times return and visit these mounds.

Indians from east of the Mississippi were known to have made raids as far west as the rapids on Red River to prey upon the Indian allies of the French and the French themselves. The Chickasaws knew that at certain seasons of the year canoes

¹² Handbook of American Indians, Vol. 1, page 231. Sibley (Dr. John), Historical Sketches. A remnant of this tribe is now living near Kinder, Louisiana, where they own their own farms and homes.

¹³ Sibley (J.), Historical Sketches.

¹⁴ The Mounds of Louisiana, Publications La. Hist. Soc., Vol. I, Part. II, page 12.

or boats could not pass these rapids with a load, and that the traveler must need carry his goods and boat by land around these falls before they could continue their journey, and at these seasons they would come to this section and carry on depredations. In 1722 a report was made by a French official of one of these raids in which a Frenchman traveling from New Orleans to Natchitoches was robbed and killed.¹⁵

When St. Denis and the fort at Natchitoches were attacked by Natchez Indians, the neighboring Indians came to his assistance and aided in the defeat and destruction of the Natchez. The tribes named as participating were the Caddoes, Avoyelles, Natchitoches, Attakapas and Choctaws.

The exact date at which a part of the Choctaws came to Central Louisiana is unknown, but prior to 1764 a small tribe of these people had established their home on Bayou Boeuf within the limits of this parish.

As a result of the War between France and Spain on one side and England on the other, France lost all of its American colonies and Spain the Floridas. The territory claimed by France east of the Mississippi river with the exception of that small tract bounded by the River Iberville, the Lakes, the Gulf of Mexico and the Mississippi River was surrendered to England. To save this island and that territory west of the river known as Louisiana from the same fate, and in part to compensate Spain for the losses she had suffered, France transferred this territory to Spain.

Under the terms of the treaty the French who lived in the territory transferred to England were permitted to elect whether they would remain at their old homes and become English subjects or move beyond the Mississippi to Spanish Territory. Some stayed, but the majority believing that the transfer was but temporary and that they would again be French subjects, elected to seek homes beyond the river. There were a number of Indians who had always been the friends and allies of the French and who made their homes around the forts of that nation. Fearing the Indian allies of the English, the Indians who had always supported the French decided to follow their friends to their new homes.

Among the small tribes or units who came to this section were the Appalachi; Pascagoulas; Tensaw; Biloxi; Alabami and Choctaws. The Pascagoulas, Tensaws, Alabami, and Appalachi

¹⁵ *La. Hist. Qy.*, Vol. 13, page 212 (April, 1930).

first settled along the river between the Bayous Jean de Jean, D'Arro and Rigolettes. The Tensaws and Appalachi were on one side and the remainder on the other. Before the beginning of the 19th century these people disposed of their land along the river to white settlers. Governor Baron Carondelet desired the Indian Agent to settle these tribes around Catahoula Lake, but the Indians would not go into these low swampy lands and removed to Bayou Boeuf and settled south of the Choctaws.

The Choctaws first settled along the river south of Alexandria (then called the Rapids) where they remained for a number of years until for some reason now unknown the chiefs concluded to move to Bayou Boeuf. For a time the chiefs lived at one place and their people at another. Acting under the instructions of the Governor, the Indian agent, Layssard, visited the chiefs and tried to persuade them to return to their people, saying that it was not right for the people to live at one place and their head men at another. The problem was settled and the people moved to Bayou Boeuf and settled around the homes of the chiefs. In time the Governor approved this change and confirmed the lands claimed, stating as his reason, "the distance from navigable water would prevent the Indians from being intoxicated by traders traveling up and down the river and the fact that there were no prairies adjoining the land granted." There were some 500 or 600 members of this tribe.

The Biloxi Indians first settled on the river and remained but a short time before moving to the territory along the bayou.

In traveling down Bayou Boeuf the first village was that of the Choctaws, then about a mile and a half south was the village of the Pascagoulas, made up of members of the Alabami, Pascagoula, and Appalachi tribes. A mile further south was located the village of the Biloxi tribe where were to be found Tensaws, Biloxi and the remnant of the Natchitoches people who had joined these people at their home on the river.¹⁶

These people were a peaceable lot, and rather lazy and shiftless. In part they lived by the chase but not entirely so for while they sold dressed deer skins, pelts and furs to the trader, still they owned quite a large number of horses and cattle and in a small way cultivated a part of their holdings.

By 1802 these tribes became greatly indebted to the firm of Miller and Fulton, far beyond their means of paying and they

¹⁶ American State Papers (Gales & Seaton Edition) Public Lands, Vol. II, pages 782 to 803.

agreed to sell their lands to this firm, which was composed of William Miller and Alexander Fulton, for the cancellation of their debt and a further sum of credit. There were some 46,800 arpents involved in this trade, lying on both sides of Bayou Boeuf from Bayou Blear to a short distance above the present town of Cheneyville, including some of the best land to be found in the whole parish. The price at which it was sold was less than three cents per acre. This sale was confirmed by the Spanish officials and in time by the United States Government.

Daniel Clark, the vice-consul of the United States, a close friend of the governor and charged by some as being in the pay of the Spanish Government was the representative of this firm of merchants and prevailed upon the Governor to give his approval to the sale. For his services, Clark received one-third of the land acquired from the Indians. Levi Wells, of whom we shall hear more later on in this story, was employed by the merchants to survey the lines of this tract and he was paid in land also receiving two-ninths, thus leaving the merchants with four-ninths of the tract to be divided among the partners. This trade and this land was destined to be the subject of many suits in the local courts and the whole story is to be found in the Supreme Court Reports.¹⁷

The Indians having divested themselves of cultivable high lands along Boeuf withdrew into the pine hills and lands further back. Some were removed to the Indian Territory a number of years ago, while descendants of the others are still to be found in the poorer section of this parish. Pow-Wows were held by the Biloxis back of Lecompte as late as the 70's while the last dance of the Choctaws, as far as we can learn, was held in the upper part of Alexandria just before the Civil War.

In the latter part of the eighteenth century the Franciscan Missionary, Father John McGuire, was living with the Choctaws on Bayou Boeuf. He had a small chapel for these people and was attempting to make Christians of them. His popularity was evidenced by the fact that they gave him a tract of land adjoining their village. After Louisiana was purchased by the United States, Father McGuire who belonged to the Spanish Franciscans moved to Texas and was located at San Antonio.

¹⁷ American State Papers (G. & S. Edition), Vol. II, Public Lands, pages 796-802. Martin vs. Johnson, 5 Martin (O. S.), page 685; Reboul vs. New, 5 Martin (O. S.), 490; Sanchez vs. Gonzales, 11 Martin (O. S.), 207; Maes vs. Gillars Heirs, 7 Martin (N. S.), 314; Mathews vs. Compton, 5 La. 128; Heirs of Wells vs. Compton, 3 La., 164.

CHAPTER III

INDIAN TRADERS TO 1804.

THE first traders who visited the Indians of this section, no doubt were men employed by the French Government of Louisiana, and had no fixed place of abode. They carried their supplies or stores in packs or canoes, followed the Indians from place to place in their wanderings and received in exchange for their goods and merchandise, the dressed deer skins, pelts and furs that the Indians obtained by trapping and the chase. These furs and skins were then in turn transported by canoe to New Orleans or the Gulf coast and sold or exchanged to the merchants for further supplies. Later on stores were established at Natchitoches and the trader made this his base for obtaining supplies and selling his furs and skins. Still later the post at the rapids became another point where the trader came to obtain his supplies and sell his furs and skins.

As far back as can be now learned, the first merchant to establish a permanent place of business at the rapids on Red River was Edward Murphey. His store was located at a point on the south bank of the river where Bayou Rapides joins that stream. This point was also on the south bank of the bayou in what is now the City of Alexandria. Thus he was below the rapids, which were an impediment to navigation for more than half of the year, and at the same time he was on the banks of the stream that could be used by canoes to go around the falls at favorable times. Having his place of business below the falls, goods and merchandise could be brought to him at all seasons of year, be unloaded into his store or warehouse and then transported around this obstruction and reloaded in small crafts for the journey to the Indians, and in the same way the merchandise that the Indians had to offer could be brought in small quantities to his place of business and reshipped with other goods in larger boats.

Murphey first operated under a permit or concession from the French Government of Louisiana and later under the authority of the Spanish. Some time about 1790, he abandoned his old location and formed an association with other men from the British Isles under the firm style of Murphey, Barr, Davenport and Smith. They consolidated their affairs in the Indian Territory of North-western Louisiana and East Texas, with headquarters at Nacogdoches, Texas.

As far back as 1722 there is evidence of English traders crossing the Mississippi river and extending their journeys to trade with the Indians to the Rapids and the Sabine. Some of these traders made their headquarters at Natchitoches, others at the Rapids and still others at Opelousas, during the time that Louisiana was under the control of Spain, and it was impossible for the officials of that nation to prevent these inroads. From time to time the Spanish post commandants complained to the officials in New Orleans and particularly of the way these English traders or merchants were coming into their territory with better and cheaper goods and underselling the traders licensed by the local officials.

The next firm of which there is definite information was that of Miller and Fulton (William Miller and Alexander Fulton). These men were natives of the State of Pennsylvania. They had been engaged in the merchandising business on the Ohio and in Kentucky prior to coming to the Province of Louisiana, which date is given as 1790 or 1793. Fulton, according to family traditions, was a brother of Robert Fulton of steamboat fame. He married Henrietta Wells, a sister of Levi Wells, who represented Miller and Fulton in surveying the Indian lands. Fulton was a close personal friend of Governor Claiborne, who made Fulton's home his headquarter whenever he was in Rapides. When the first officers were named for the County of Rapides in 1805, the name of Fulton is listed as coroner, and he was the first man in the parish ever to be elected by the people to a public office, a member of the State legislature. This election was in 1807 and Fulton continued in office until his death.

These men, Miller and Fulton, held an exclusive grant from the Spanish officials at New Orleans, to trade with the Indians of this section. This grant was conditioned that they were to sell goods to these Indians at a fair price and upon long terms of credit. This last condition was the downfall of the Indians and resulted in the enrichment of the merchants.

The store of this firm was located on the south side of Red River at a point near where the present highway bridge crosses what was formerly Front Street in Alexandria. The firm maintained traders, some of whom lived among the various tribes of Indians on lands that had been granted by the Indians to the trader, while others made regular trips from the store to the villages of these people.

There were other merchants of later date who carried on trade with the Indians. Some came into the territory while it was yet a Spanish colony, but very little is known of them with the exception of the firm of Martineau and Landreau. These two Frenchmen came to the Rapids about 1800 and established a store on the river and continued in business until 1818, when upon the death of Martineau, the firm dissolved. These men operated flat boats that carried dressed deer skins, pelts and furs and later cotton, tallow, bear oil and the products of this section, bringing back from New Orleans such goods as their trade demanded.¹⁸

¹⁸ Authorities used: American State Papers (Gale & Seaton Edition), Public Lands, Vols. 2 and 3, under name of Miller and Fulton. Articles in an old scrap book. Reports of the Supreme Court of Louisiana (Martin, Robinson, and Louisiana). Interviews with old citizens.

(To be Continued)



HISTORY OF THE AMERICAN PARTY IN LOUISIANA*

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CHAPTER I

EARLY NATIVISM MOVEMENTS IN LOUISIANA

NATIVISM has been called a disease", says Professor G. M. Stephenson, "but it is hardly that; it is rather a symptom of disorder in the body politic. The disease is indigestion caused not primarily by overeating but by failure to keep the organs of society in proper condition to perform their function."¹ One of the primary functions of any state is to co-ordinate and assimilate the different component elements and peoples within its borders into one harmonious whole. In colonial days this function was performed naturally and without effort, but, in later decades the increase of European migrants made assimilation impossible, and the "symptom of disorder in the body politic" became prevalent.

Although New York was more "favored" by immigrants because of the early industrialization of the North and the proximity of fertile lands of the Northwest, many entered through New Orleans. Some made that city their permanent home; others found the Mississippi river a convenient channel to the interior.² This influx of foreigners early led to protest by native Louisianians.

As early as 1835 Col. William Christy warmly advocated a movement of "natives" against "foreigners." He continued his advocacy until the cause died a natural death in the sixties. While President of the Native American Party of Louisiana he addressed a "mob of 5000 foreigners in Galveston" and only "his usual cool-

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† I wish to take this opportunity to express my deep and sincere appreciation to Dr. W. H. Stephenson for his kind guidance and counsel. My thanks are extended to Dean Walter Prichard, Mr. J. A. McMillen and the library staff, Mr. J. F. Hardin, Mr. H. O. Lestage, Jr., Mr. R. J. Usher, and Mr. M. J. White, for their kindness and aid.

¹ G. M. Stephenson, "Nativism in the Forties and Fifties, With Special Reference to the Mississippi Valley," in *Miss. Valley Hist. Review*, Vol. IX, p. 188.

² A. C. Cole, "Nativism in the Lower Mississippi Valley," in *Miss. Valley Hist. Assoc. Proceedings*, Vol. VI, pp. 258-259.

ness and determination of character" prevented the crowd from assaulting him. Returning to New Orleans he destroyed "a paper established there by an Irishman, expressly to put down the Native American Party of which the Colonel was yet the President. This task he fully accomplished aided only by his two sons, the elder of whom was seriously wounded, and the Colonel himself shot in the head."³ No number of the *Anti-Native American* appeared after this.

In 1839 the Native Americans of Louisiana issued a pamphlet in defence of their views. "We not only receive into our country hordes of aliens in feeling, principles, prejudices and habits of thinking," they said,⁴ "but through the instrumentality of our naturalization law, we endow them with the prerogative of influencing our institutions and deciding on the future destinies of our beloved country—can such men who have been taught from their infancy to despise and abhor our country, her inhabitants and her institutions—(see O'Connells speeches) men who have no idea of rational liberty, social virtue or political subordination, . . . men habituated by education to tumult and insurrection and practically familiar with the foulest actions comprised in the dark catalogue of crime. . . . be depended on to protect our country from foreign invasion when, perhaps one-half of them are imbued with feelings of superior loyalty to the invading enemy, and devoted to their success while the remainder are utterly destitute of any moral restraint, insusceptible of military subordination and capable only of such a degree of fidelity as they conceive to be immediately conducive to their private and individual interests?"⁵

The Native Americans denied that their party or organization was inimical to foreigners.⁶ A written revision of the remarks delivered at a regular meeting of the Native American party by J. C. Larue, stated that it desired laws prohibiting uneducated and radical foreigners, paupers, criminals, and their kind from interfering with the government. "But how are we illiberal and the foes of foreigners?", he continued.⁷ "Did we ever oppose foreign immigration? No! The doors are open, they may come and go at pleasure, our cities, our fertile fields and majestic rivers

³ *New Orleans Daily Crescent*, July 3, 1855.

⁴ *Ibid.*, Sept. 4, 1855.

⁵ A clause of the Native American Constitution said, "We will not hold him guiltless of his country's wrongs who shall place a foreigner in office, whilst there is a native competent and willing to accept."—*Ibid.*, Oct. 16, 1855.

⁶ J. C. Larue, J. S. McFarlane, Isaac Bridge, William Christy, and T. G. Davidson, were prominent leaders of this party.

⁷ *New Orleans Daily Crescent*, Aug. 14, 1855.

are at their service, let them come and enjoy them Are they suffering from war or famine at home? Here they may enjoy peace and plenty We give them all they can want at home, all that they seek abroad. Is this illiberal? We simply wish that they should not be our masters. Is this proving ourselves their enemies? If you feed the hungry, shelter the houseless and protect the oppressed, are you illiberal and his foe because you will not give him the control of your family?"⁸

As a result of this agitation the representative in Congress from the New Orleans district presented a petition praying for repeal of the naturalization laws.⁹ Citizens of St. Mary's Parish forwarded a similar petition.¹⁰ In 1841 the Louisiana House of Representatives adopted a resolution, by a vote of 25 to 10, asking that the naturalization laws be amended to require 21 years residence for citizenship.¹¹

It should be remembered that the Native Americans in Louisiana at this time did not constitute a political party in the true sense of the word. They merely attempted to influence the policy of existing parties, and only at irregular intervals attempted to gain office through their own organization. The minutes of a meeting held on January 6, 1842, record the withdrawal of Thomas Green Davidson from the Association. He explained that he would have nothing more to do with it until members determined to form a separate and distinct party, having for its object the "single question of repeal" of the naturalization laws.¹²

Near the end of February, 1841, the Louisiana Native State Convention met at New Orleans and issued an address "To the People of the United States."¹³ This pamphlet was printed by their organ, the *Native American*.¹⁴ The following year a vigorous

⁸ Alexander Porter, an ex-Whig senator from Louisiana, favored a fourteen year naturalization period and a stricter law in general. In 1841 he wrote to Crittenden: "Such a mass of ignorance and passion all on one side have (sic) a most dangerous influence when the parties of the country are nearly balanced."—A. C. Cole, *Whig Party in the South* (Washington, 1913), p. 30. Note by Ed. La. Hist. Qy.: Porter was born in Ireland in 1786. He was a delegate to the convention that framed the Louisiana Constitution of 1812. He was a judge of the Supreme Court of Louisiana for 15 years and one of its most learned and respected members. He resigned to enter the Senate of the United States in 1834, and after retiring in 1839 was again elected to the Senate in 1843. He died January 13, 1844.

⁹ *Cong. Globe*, 26 Cong., 1 Sess., p. 186.

¹⁰ *Ibid.*, p. 104.

¹¹ *New Orleans Daily Crescent*, Jan. 8, 1855.

¹² *New Orleans Daily Crescent*, Aug. 11, 1855; *Capitolian Vis A Vis*, Sept. 8, 1852.

¹³ *New Orleans Daily Crescent*, Sept. 1, 1855.

¹⁴ This convention sent a delegation to congress asking for total abolition of naturalization laws and not simply modification. They asserted that they did not wish to interfere with immigration or close the ports against a solitary European who came in good faith, but would welcome each with open arms and aid. They were willing to share everything but the ballot-box, as they believed that Americans could rule themselves capably without "foreign pollution". They did not intend to proscribe the citizens already naturalized, but would hold their rights inviolate.—*Baton Rouge Gazette*, Nov. 23, 1844.

effort was made to win the New Orleans municipal election. "The good sense of the people, rising above political predilections—discarding old ties and bonds," as one editor put it, "defeated the Native American candidate by a majority of 261 out of 2,403 votes."¹⁵ The municipal election at Baton Rouge was held about the same time, and it was reported that "the mischievous meddling of some of Mr. Waddill's friends in the Native American question" was very costly to the candidate for mayor.¹⁶

The special election for a state senator from the Orleans district in September, 1843, was an event which practically forced Louisiana Whigs to support nativistic principles.¹⁷ Judge Benjamin C. Elliot of the City of Lafayette city court was subsidized by the local Democratic party, and hastily and fraudulently naturalized hundreds of voters who swung the election against the Whig candidate. The legality of these naturalization papers was recognized at all polls except one, where the box was destroyed. The Whig House of Representatives investigated the charges of fraud against Judge Elliot and brought him to trial by impeachment before the Senate, where he was convicted. The results of the election and the validity of the naturalizations were upheld despite Whig protests.¹⁸

With this object lesson still before them, the Whigs participated in the election of 1844 for a special convention to draw up a new constitution to supersede that of 1812, which was too narrow and restrictive for the times. Long and bitter articles appeared in Whig papers about foreign immigration and naturalization.¹⁹ An effort was made to write Native American principles into the constitution.²⁰ John R. Grymes of New Orleans led in advocating an increased period of residence as a suffrage requirement for foreigners. Solomon Downs of Ouachita fiercely opposed him, called this principle "nativistic" and criticised its aims and history.²¹ Judah P. Benjamin, who represented a large minority, insisted upon four or five years of residence as a qualification for

¹⁵ *Baton Rouge Gazette*, April 9, 1842.

¹⁶ *Ibid.*

¹⁷ Cole, *loc. cit.*, pp. 264-266.

¹⁸ *Southern Transcript*, March 26, 1845.

See also *Selected Arguments of Randell Hunt*, edited by William H. Hunt, New Orleans, 1896, Hansell & Bro. Mr. Hunt led the prosecution and a brief account is given in this volume at pp. XXIII-V.—Ed. *La. Hist. Qy.*

¹⁹ "We do not recollect to have ever seen a question spread with so much rapidity and become so popular with all classes of politicians as the revision of the naturalization laws."—*Baton Rouge Gazette*, Nov. 30, 1844.

²⁰ J. D. B. DeBow, *The Commercial Review of the South and West* (New Orleans, 1846); Vol. I, pp. 223-226; Alcee Fortier, *History of Louisiana* (New York, 1904), Vol. III, pp. 421-433.

²¹ *Debates in the Convention*, 1845, pp. 18-19, 87-94.

the legislature, and made a brilliant and remarkable speech in favor of this contention.²²

One of the most striking scenes of the convention was the attack upon the patriotism of the foreign born citizens of Louisiana,²³ and the fiery defense by Solomon Downs, the creoles Bernard de Marginy, Pierre Soule, and others. W. C. C. Claiborne, a New Orleans Whig, spoke in favor of dating the residence requirement from the date of naturalization to prevent fraud and corruption on the eve of elections by wholesale naturalization.²⁴ The New Orleans delegates supported a registry law to lessen possibility of fraud but the "country" delegates opposed this measure which played such an important part in New Orleans politics twelve years later.²⁵ Benjamin showed clearly that he considered unrestricted naturalization and immigration, whether from foreign countries, or from northern states, a source of danger to the community.²⁶

The danger of immigrants to slavery was an important factor in driving wealthy Whigs into nativistic ranks. But it was a Democrat, Miles Taylor, who sounded a note of warning in unmistakable terms: "Persons are arriving among us in great numbers from Europe and northern states—those from Europe, it is to be presumed, are more or less imbued with the prejudices and feelings of a political order of things different from our system of government; and among those from the northern states, are some that are tinctured with doctrines not in unison with our domestic tranquility. To allow all these at once to approach the ballot-box, would surely be endangering our institutions, and unwisely exposing ourselves to foreign influence and domestic corruption."²⁷

²² *Ibid.*, pp. 89-144.

²³ John R. Grymes thundered out, "Can any one in this chamber suppose that a foreigner can rid himself of all love for his native land from the moment he comes among us? For myself I am free to venture to affirm that a foreigner, whose heart and soul can so easily expatriate themselves would prove for Louisiana but a poor, a very poor acquisition * * * Fancy, if you can, what would be the position of a Governor of foreign birth, if an army formidable in numbers, and carrying the standards of the lands in which he first saw light, should without warning profane the frontiers of Louisiana * * * All things being equal, our native citizens are invested with a natural right to stand in the foremost rank and to be the recipients of the first favors—and God knows if experience has not proved that our people have long accustomed to see our foreign born citizens occupying most of the profitable offices of our city and state". *Debates in the Convention*, 1845, p. 210.

²⁴ *Ibid.*, p. 165.

²⁵ *Ibid.*, pp. 165-189, 406-410.

²⁶ Pierce Butler, *Judah P. Benjamin* (New York, 1907), p. 69.

²⁷ *Debates in the Convention*, 1845, p. 126; *New Orleans Daily Crescent*, Oct. 16, 1855.

In the municipal elections of April, 1844,²⁸ and again in the state elections of July,²⁹ the Whigs clashed with the naturalized citizens who, under Democratic leadership, endeavored to vote by presenting the fraudulent papers granted by Judge Elliot.³⁰ A public mass meeting was held in which it was resolved, "That we will not permit mercenary foreigners who have by fraud, corruption and perjury obtained spurious certificates of naturalization, to interfere with our rights and franchises . . . and we solemnly warn them not to attempt to interfere with those rights . . ."³¹ Even the Democratic ranks were split by this question, for their candidates fought among themselves and called each other 'nativistic' and 'anti-nativistic'.³²

In December, 1844, J. P. Benjamin and others signed a public call for the formation of a "Louisiana American Party".³³ The *Baton Rouge Gazette*, a Whig paper, asserted that not only native born, but also many naturalized citizens demanded such a party which did not possess "narrow proscriptive views" of former "Native Americans". The new party considered the naturalized citizens as Americans and not as a separate class having different interests.³⁴

On December 23, 1844, the Louisiana House of Representatives adopted a resolution by a majority of 24 votes to ask their senators and representatives in Congress, to endeavor to amend the naturalization laws to prevent fraudulent voting.³⁵ The two Louisiana Whig Senators, Henry Johnson and Alexander Barrow, introduced a resolution instructing the Judiciary Committee to inquire into the necessity of providing additional safeguards against fraudulent naturalization, and the Senate appointed an investigating committee.³⁶ The commissioners went to New Orleans where they found Whigs willing to co-operate, but got little information from Democrats.³⁷ This same alignment existed over

²⁸ The election resulted in the triumph of the Whigs and Republicans by a 300 majority. "A victory of sound conservative principles."—*Baton Rouge Gazette*, Nov. 30, 1844; C. F. Brand, "History of Know Nothing Party in Indiana", in *Indiana Magazine of History*, Vol. XVIII, No. 2, p. 49.

²⁹ The Democrats carried the state by means of the notorious Plaquemines Frauds. This caused a legislative investigation of naturalization frauds, and occasioned the legislature to petition Congress to amend the naturalization laws.—Cole, *loc. cit.*, p. 264.

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Southern Transcript*, June 26, 1844.

³³ Butler, *op. cit.*, p. 71.

³⁴ *Baton Rouge Gazette*, Dec. 21, 1844.

³⁵ *National Intelligencer*, Feb. 6, 1845.

³⁶ In the house just a year previous the vote of the speaker defeated a measure to print the message of the President in German and French.—*Cong. Globe*, 28 Cong., 1 Sess., pp. 42-44.

³⁷ Cole, *loc. cit.*, p. 266.

the entire country, with the "understanding" between the Democrats and newly-made citizens becoming more marked and definite as time went by.³⁸

In the generation preceding the Civil War Louisiana had just cause for alarm over the foreign invasion. Such facts as the following were constantly called to the attention of the public. In 1835 a joint commission of the legislature reported that the New Orleans Charity Hospital treated 4287 foreign patients and only 1627 Americans the preceding year.³⁹ In 1843, 3,839 patients out of a total of 5,012 were foreigners.⁴⁰ Further, in the period between 1830 and 1843 there were admitted to the hospital from Ireland, 20,742; from all other foreign countries, 21,724; from the United States, 17,021.⁴¹ In 1845 the official report of the Secretary of State to the President⁴² ranked Louisiana next to New York in the number of immigrants received—15,527 out of 119,884, or about 13%.⁴³ The seventh census showed that the population of New Orleans was about equally divided between the native and the foreign born;⁴⁴ that the number of foreigners arriving in New Orleans in 1845 was 15,537, in 1847 had increased to 34,803, and in 1852, to 32,316;⁴⁵ that in 1850 of a total population of 272,953 in Louisiana, 66,413 were foreign born—an enormous percentage of 24:33;⁴⁶ that every six months there was enough foreign immigration to offset the vote of Louisiana or South Carolina;⁴⁷ that Louisiana, Missouri, and Kentucky contained two-thirds of the foreign born population of the South.⁴⁸ Nor did Whig editors of the state fail to call attention to the numerous associations for members of the German race only, that were being formed on all sides.⁴⁹

In 1846 the *Native American* was supplanted by the *Republican* and *Constitutionalist* as the party organ. Shortly after this

³⁸ Cole, *op. cit.*, p. 310; *Tribune Almanac for the Years 1838-68 Inclusive, Comprehending the Politicians Register and the Whig Almanac* (New York, 1868), Vol. II, *Whig Almanac* (1855-1860), pp. 9, 10.

³⁹ Cole, *loc. cit.*, p. 260.

⁴⁰ *Ibid.*, p. 260.

⁴¹ *Baton Rouge Gazette*, July 15, 1844.

⁴² *National Intelligencer*, July 16, 1846.

⁴³ By 1850 Louisiana was forced to pass a law in self defense, requiring any non-citizen of United States landing in a Louisiana port to give bond for \$1000 that they would not seek aid from charitable institutions within five years, or in lieu of this bond to pay a small head tax.—M. W. Cluskey, *Political Text Book* (Philadelphia, 1860), p. 219.

⁴⁴ *Ibid.*, p. 260; J. D. B. DeBow, *Compendium of the Seventh Census* (Washington, 1854), p. 399.

⁴⁵ *Ibid.*, p. 123.

⁴⁶ *Ibid.*, p. 118.

⁴⁷ McCluskey, *op. cit.*, p. 298, quoting "Madison Letter No. VII."

⁴⁸ Cole, *loc. cit.*, p. 268.

⁴⁹ *Baton Rouge Gazette*, Aug. 31, 1844; Cole, *op. cit.*, p. 314.

change the first general election under the revised constitution was held. It resulted in a sweeping victory for the "Locofocos", as the Whigs derisively called all Democrats. The correspondent of the national Whig organ attacked the Native party for running a full ticket, called it the "greatest dog in the manager" party he had ever seen, and asserted that the only effect was to weaken the Whig organization.⁵⁰

After this election the Native American party fell into disrepute and played little part in Louisiana politics for the remainder of the decade. In the general election of 1849, the Whigs attempted to indict the Democrats upon the naturalization question, but with little effect.

⁵⁰ *National Intelligencer*, June 31, 1846.

(To be Continued)



DOCUMENTS CONCERNING THE CROZAT REGIME IN LOUISIANA, 1712-1717

Translated for the Quarterly from copies of the original documents of the French Archives in the Department of Archives and History of Mississippi.

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FIRST INSTALLMENT

INTRODUCTION BY HENRY P. DART

THE documents to be printed in this series, translated for us by Prof. Sanders, will cover only a portion of a large collection of papers in the French Archives relating to the Crozat regime in Louisiana, but our selections are sufficient to materially enlarge our knowledge of that interesting and most important feature of early life in Louisiana. This series will probably run several numbers of the Quarterly and when concluded will furnish much new material for the historian.

All previous writers on the colonial history of Louisiana have suffered from lack of intimate details of the Crozat era and they have confined themselves largely to a mere skeleton of the story derived from such sources as were then within their reach. Indeed, it is not far from the truth to say that our past knowledge of the facts was largely predicated on Martin's 8th chapter, written in that author's dry and precise style, and almost wholly without attention to the tremendous local disturbances created by Crozat's monopoly and by the vigorous efforts of Governor Cadillac to force the scanty population of Louisiana to comply with its provisions (Martin, *History of Louisiana*, Edition of 1827, Vol. I, pp. 114-123).

To what extent these documents will alter the judgment of history on Governor Cadillac is a delicate question. The views of Charles Gayarre have seriously affected a just appreciation of Cadillac (*History of Louisiana, French Domination*, original edition, 1867, pp. 102-186), but this mixture of sardonic criticism, personal abuse and romantic fiction should not prevent a re-examination of the facts, and we believe the documents here

printed will assist in making up the final judgment. There are other documents not included in our series that must also be consulted. These have been translated by Prof. Sanders in Rowland & Sanders' *Mississippi Provincial Archives, French Dominion*, Vol. II, pp. 74-225 and Vol. III, pp. 143, Et. Seq. It may also prove useful to consult Chambers *History of Louisiana*, Vol. I, Chapters XIII-XV, who takes a more practical view of the Crozat era, handicapped, however, by the absence of the evidence contained in the documents of the period. Reference must also be made to Miss Kellogg's sketch of Cadillac in the *American Dictionary of Biography*. The Crozat grant went into operation in Louisiana early in 1713 and at that time the center of the Colony was on the Gulf Coast. New Orleans and the development of the Mississippi River were things of the future and do not fall within Crozat's period but his regime is one of the outstanding incidents in the history of Colonial Louisiana. It was then that the king of France established permanent principles of government for the Colony that continued in force during the whole French Era. Civil Government in all its features, was provided, including the division of executive power that laid a curse on the local administration for all time. The greatest achievement was the organization of a Court of Justice, the Superior Council which continued to function down to the Spanish Era.

A word should be added as to two of the persons mentioned in these documents. Cadillac was the Governor of Louisiana appointed by the King in 1710 when the Ministry had concluded to end the discord in Louisiana caused by the friction between Bienville, LaSalle, the Commissary and de la Vente, the local curate. Originally, De Muys was appointed Governor in association with D'Artaquette, as Commissaire Ordonnateur, but the former died en route to Louisiana. Cadillac, then in Detroit, was appointed to succeed De Muys but he had to return to France and was delayed in his voyage. He remained in France while the Ministry was discussing the radical changes that resulted in the Grant to Crozat. It would have been interesting to have included in these documents the original instructions to Cadillac of May 13, 1710 issued more than two years before the grant to Crozat, but they are accessible in Rowland & Sanders' *Ibid* III, pp. 143-150. This document, however, enlarges our field of study and it should be read in connection with the first document published in this installment. It is not absolutely essential to an understanding of the events of 1712-13, but it will make the instructions clearer.

The other prominent figure is Jean Baptiste Duclos, serving as Commissaire Ordonnateur and chief or head of the Superior Council. He has received scant mention in our histories, but these documents prove that he was a vigorous, honest man, wholly devoted to the Colony. His character is firmly established through his reports to the home government and posterity should welcome this opportunity to know something about the man who was the first judge in the first law court that functioned in Louisiana. All that was known of Duclos is contained in a biographical note prepared by Prof. Sanders, and printed in Rowland & Sanders' *Mississippi Provincial Archives* II p. 74, which we copy here:

"Duclos (Du Clos) was appointed commissary general (commissaire ordonnateur) of Louisiana, first councillor and acting governor in the absence of the governor by commissions of December 12 and 24, 1712. He arrived at Dauphine Island with Governor Lamothe Cadillac on June 5, 1713. He states in one of his letters, C. 13, Vol. III, page 198, that he had been engaged in trade along the Caribbean coast of South America and that at another time he had spent sixteen months in Peru. The knowledge of the Spanish language trade and customs that he had acquired in this way may have been the reason that he was selected for his post in Louisiana. Crozat was desirous of entering into trading relations with the Spaniards. Duclos had difficulty in cooperating with Governor Cadillac and as early as October, 1713, C. 13, Vol. III, page 149, he asked to be recalled to France because of his inability to work in harmony with the governor, and Cadillac on his side accused Duclos of private trading and of selling for his own profit the flour sent as food for the soldiers. Finally on October 28, 1716, both governor and commissary were recalled and succeeded by L'Epinay and Hubert. Duclos was transferred to Santo Domingo, where he was appointed commissary at Petit Goave. He was still there as late as July 20, 1734."

The translator advises the writer that since the above publication he has ascertained the following additional details of Duclos' career. "His name was Jean Baptiste. Before going to Louisiana he was a Commissary of the Navy at Dunkirk. After leaving Louisiana he was the Commissary in Santo Domingo from 1717 to 1726. From 1726 to 1728 he was the Commissary General performing the functions of Intendent. From April 21, 1729, to February 5, 1735, he had the title of Intendent. His correspondence continues until the arrival of his successor on January 20,

1736. He died on his estate in Santo Domingo on December 2, 1737. In his letter in which he submits his resignation he states that his health has failed, and that he has been in the service of the Navy for thirty years, twenty-one of which he has spent in the colonies."

This installment of the Documents covers only the "instructions" to Cadillac and Duclos by the French Government before their departure for Louisiana. Subsequent installments will deal with the correspondence of these officers with the home government.

HENRY P. DART.

List of Documents Printed Herewith

1. MEMOIR (INSTRUCTIONS) OF THE KING TO CADILLAC, December 18, 1712.
2. MEMOIR (INSTRUCTIONS) OF THE KING TO DUCLOS, December 18, 1712.
3. MEMOIR (INSTRUCTIONS) OF THE KING TO DUCLOS, CARRYING HIS CREDENTIALS AS FIRST COUNCILLOR OF THE SUPERIOR COUNCIL, December 24, 1712.
4. MEMOIR (INSTRUCTIONS) OF THE KING TO DUCLOS REGARDING HIS MANAGEMENT OF HIS OFFICE.

LOUIS XIV TO CADILLAC

Document No. 1

Paris, National Archives, Colonies,
Series B, Vol. XXXIV, pages 141-146.

1712, December 18, Versailles.

Supplementary Memoir from the King to Lamothe Cadillac.
Copy.

(p. 141) At Versailles, December 18, 1712.

Memoir from the King to Sieur de Lamothe Cadillac, Governor of the province of Louisiana, to serve as a supplement to the one that was sent to him by his Majesty on May 13, 1710.

Since his Majesty has deemed it necessary for the welfare of his kingdom and for the increase of the colony of Louisiana to establish in it a great commerce which by procuring for it the things necessary for life and for clothing will greatly contribute to attracting to it new colonists who will increase the

forces and the cultivation of the lands of the country and will in the future create an equally advantageous commerce with the kingdom, he has not found any more reliable or more prompt means of accomplishing it than that of granting to *Sieur Crozat* the exclusive privilege of this commerce for fifteen years and the ownership for himself and his heirs of the mines and minerals that he may discover and develop on the conditions stipulated by the letters (p. 141 v.) patent that his Majesty has given to the said *Sieur Crozat* a copy of which he causes to be delivered herewith to the said *Sieur de Lamothe*, with which he orders him to comply in their entire content and to give the directors or agents of the said *Sieur Crozat* all the protection that they need both for commerce, the exploration and search for mines and minerals as well as for the establishment of factories and the agricultural operations that the said *Sieur Crozat* thinks it advisable to conduct there. His Majesty desires that upon the arrival of each vessel that the said *Sieur Crozat* sends to the said country of Louisiana the said *Sieur de Lamothe* investigate whether the condition of transporting there ten girls or youths on each ship, to which the said *Sieur Crozat* has agreed, has been executed, and he shall render an account of it.

His Majesty charges him to take great care that the girls who are sent to the said country of Louisiana are married there as soon as possible in order to increase the number of homes and families as much as possible. He charges him also to keep diligent watch to prevent libertinism and to see to it that the (p. 142) girls who go to the said country are not debauched there and that on the contrary they live there in the reserve and modesty becoming their sex. It will be easy for him to accomplish this by preventing too intimate association with the men, in which he must set an example and punish those who undertake to corrupt the said girls.

One of the principal means of attracting new inhabitants to the country of Louisiana, of keeping those who are there and inducing them to increase the establishments is to govern them dispassionately, justly, mildly and disinterestedly, to maintain them in union and peace and to procure for them the greatest possible accommodation. His Majesty very expressly charges the said *Sieur de Lamothe* to conduct himself according to these principles and that no interest be capable of diverting him from them.

Since Sieur d'Artaguet, the Commissary in the said country of Louisiana, has returned to France his Majesty has chosen Sieur Duclos to perform there the functions of Commissary General.* He has given him by a special commission the power to put into execution in the absence of the Intendant (p. 142 v.) of New France Sieur Crozat's letters patent and conjointly with Sieur de Lamothe to make the requisite police regulations and to grant the concessions of land. His Majesty charges the said Sieur de Lamothe to live in harmony and on good terms with the said Sieur Duclos, to which the said Sieur Duclos is very much disposed to contribute as far as lies within his power, and in order to avoid every occasion for dispute between them his Majesty is very glad to explain to the said Sieur de Lamothe that the administration of the King's commercial funds and everything that may relate to it is the concern of Sieur Duclos. In regard to the police, as it is common between the Governor and the Commissary they should perform it in common and in concert. Everything that concerns the dignity of the command and the military is for Sieur de Lamothe. It is for him to determine the fortifications and the works after, however, having conferred about them with the Commissary who is concerned solely with the expense and the means of finding the necessary funds.

In regard to the concessions of land, they should be granted by Sieur de Lamothe jointly with Sieur Duclos, observing to choose the best (p. 143) tracts and to bring the residences as closely as possible together. As to their extent, his Majesty relies in that upon the prudence of the said Sieurs de Lamothe and Duclos to grant them as they deem most advisable. He has had a model for the said concessions delivered to Sieur Duclos which he wishes to be adopted both for those that have already been granted them by Sieurs de Bienville and d'Artaguet, which it will be necessary to draw up again, as well as for those that are granted by the said Sieurs de Lamothe and Duclos.

Sieur de Bienville has asked for a concession of a tract of land beginning at the point that is a half league below the city as far as Fowl River, with a depth of two leagues. The said Sieur de Lamothe together with Sieur Duclos will investigate whether there are any objections to granting such an extensive one, and in case there is none, they may grant it to him; his Majesty will confirm it.

* The French word is *Commissaire Ordonnateur*.

There have not yet been any officers of justice in Louisiana. One cannot for the present establish judges there as in the other colonies because it is not sufficiently populated. His Majesty has judged it advisable, however, in order to have justice administered in that country to establish there (p. 143 v.) for three years a Superior Council to judge all cases both civil and criminal, and to compose this Council he has chosen the said *Sieur de Lamothe*, *Sieur Duclos* whom he has made First Councillor, *Sieur de Bienville*, the King's Lieutenant, two other Councillors and an Attorney General who shall be chosen¹ by the said *Sieurs de Lamothe* and *Duclos* jointly, and the said *Sieur Malefre*, the clerk. It will be the use that those who compose this Council make of the administration of justice that is entrusted to them that will cause his Majesty to decide to continue and even to increase the establishment of this Council or to abandon it.

His Majesty is informed that the majority of the inhabitants are devoting themselves to the cultivation of tobacco which, he is assured, is better than that of Virginia. As this crop is easy to grow it is more suitable than others for the small inhabitants inasmuch as it does not require heavy work. He will keep them in this attitude until they are in a position to undertake more important crops. He will also investigate carefully those that can be produced in the colony and will urge those who are in a position to do so to undertake them.

His Majesty had given an order (p. 144) to the said *Sieur de Lamothe* to settle the boundaries with the Spaniards and to have posts erected there at the proposal that the governor of Pensacola had made to do so in order to prevent the petty disputes that often used to arise between him and *Sieur de Bienville*, but as this Spanish governor was quite unwilling to be guided by the first proposals that he had made and as besides his Majesty does not think it necessary at all to settle any boundaries at present he orders the said *Sieur de Lamothe* not to settle anything about that without new orders from his Majesty, but on the contrary always to seek to take possession in the name of the King and to extend as far as he can, in which he must conduct himself with prudence and discretion.

Sieur de Bienville has given information that what has prevented him from granting to the Alabamas the peace that they

¹ The fact that this verb is in the plural shows that the two other Councillors as well as the Attorney General were to be chosen by *Cadillac* and *Duclos*.

had asked of him is because this nation has been unwilling to make peace with the other Indian nations allied with the French. His Majesty has approved the conduct of the said *Sieur de Bienville* in this respect and he desires that *Sieur de Lamothe* make no peace nor truce with the *Alabamas* (p. 144 v.) apart from the other Indian nations allied with the French.

Sieur de Bienville has also given information that the great floods have obliged him to transfer the establishment to a site nearer *Massacre Island* and that he has named it *Dauphine Island* and the establishment that is being made there *Port Dauphin*. His Majesty has approved of this, and as this port is very important because of its situation he desires that *Sieur de Lamothe* have it fortified in preference to everything.

The said *Sieur de Bienville* has likewise given information that he has named the fort *Immobile* which his Majesty has not approved of at all. He desires that people continue to call it *Fort St. Louis* as its name was before the change.

As the French voyageurs were becoming very disorderly the only means that *Sieur de Bienville* has found to check their libertinism and their license has been to forbid them to trade in the future for the slaves of any nations whatsoever, and he has sent word to the Indians² themselves to bring the slaves that they capture, before they sell them. (p. 145). His Majesty desires that *Sieur de Lamothe* see to it that that is executed and that as far as possible he attract these voyageurs to be settlers in the establishment.

His Majesty has been informed that the man named *Langlois*,³ the interpreter at *Detroit*, was responsible for the pillaging that the *Miamis* and *Mascoutens* committed against the Frenchmen who were going from *Canada* to *Louisiana*. He desires that *Sieur de Lamothe* examine thoroughly the truth of this matter and that he render an account of it. As he was at *Detroit* when that happened his Majesty is convinced that he will give accurate and reliable information.

Sieurs de Bienville and *d'Artaguet* have given information that since the woman named *Marie Grizot*, a midwife who was sent to the said country of *Louisiana* both for the accouchement of the women and to take care of the sick, has refused to perform

² This is one of the rare instances of the use of the word *Indiens* instead of *sauvages* to denote the American aborigines, in the official correspondence of French Colonial Louisiana.

³ For *Cadillac's* account of this affair see *Miss. Prov. Arch.*, Vol. II, p. 171.

this latter function or to have anything to do with the operation⁴ of the hospital, they have seen fit to deduct two hundred livres from the four hundred livres that his Majesty annually provides as a fund for the wages of this woman and they have employed the two hundred livres for the payment of the wages of a (p. 145 v.) carpenter who is of useful service in the colony. His Majesty has approved of what they have done in regard to this and wishes that to be continued in the same way unless the said Grizot decides to take care of the sick.

His Majesty has granted *Sieur Blondel*, an ensign, an order to fill the first place of lieutenant that is vacant in which *Sieur de Lamothe* will have him accepted, observing, however, that that of the company of *Vaulezard* which is vacant at present is not to be filled by the said *Sieur Blondel* because his Majesty has designated it to be filled by the engineer whom he has decided to send to Louisiana.

Sieur de Bienville has given information that according to the report of the voyageurs and the Indians there is a copper mine on the upper part of the Wabash River. His Majesty is convinced that *Sieur Crozat* by virtue of his privilege will not fail to have attention given to it and to develop it, but in case he neglects to do so *Sieur de Lamothe* will investigate whether in truth this mine is real, whether it is productive and whether the copper from it is of good quality, (p. 146) of which he will be careful to render an exact and detailed account, indicating at the same time the most suitable means to develop it.

His Majesty has so much at heart everything that may contribute to the advantage of religion and to divine worship that before finishing the present memoir he is very glad to charge *Sieur de Lamothe* again to give very close attention to everything that may have relation to them, to inquire whether divine worship is being performed decorously and to take steps with the inhabitants to incline them to establish suitable and comfortable churches. That of Port Dauphin is begun, and he must make every effort to induce the inhabitants to complete its construction as substantially as possible.

His Majesty charges him again to give an example to the inhabitants in everything that may attract to religion the veneration and devotion that all ought to have for it and to inspire the

⁴ The translator thinks that the context gives the word *depençe* (*dépense*) here translated "operation," a more general meaning than its usual sense of "expense" or "pantry."

officers, the soldiers and the inhabitants of the colonies to do so since they need the example of their superiors to be held in this matter within the limits in which they (p. 146 v.) ought to be.

Done at Versailles on the eighteenth of December, 1712.

ROYAL INSTRUCTIONS FOR DUCLOS

Document No. 2

Ministry of the Colonies, Series B, Vol. XXXIV, pages 147 verso-156; Mississippi Copy Vol. XXXIV, pages 77-96. December 18, 1712. Mr. Duclos. Instructions that the King wishes to be delivered to Sieur Duclos, Commissary General [*Commissaire Ordonnateur*] in Louisiana.

MR. DUCLOS

At Versailles, December 18, 1712.

Instructions that the King wishes to be delivered to Sieur Duclos, Commissary General in Louisiana.

Since the colony of Louisiana has recently been formed the abuses usual in new establishments in their administration have been introduced into it, and it is for the purpose of putting an end to them and of bringing into it the rules of a good government which causes each officer to be obliged to perform his duties and the inhabitants to live in discipline and obedience without fearing vexations, that his Majesty has deemed it necessary to send a Commissary General to it. He has made a choice of Sieur Duclos¹ since he has been informed of his experience, of his application and of his fidelity, and he does not doubt that he will employ them to maintain the good opinion that he has of him and to execute everything that he (p. 148) indicates to him is in his intentions.

He must know that the province of Louisiana is situated between Carolina on the east and Old and New Mexico on the west. His Majesty had the exploration of it made in 1682 by Sieur de La Salle and immediately after the Peace of Ryswick established in it a colony and a garrison which has maintained the possession of it that was taken in 1682, but because of the war it has not been possible to derive from it all the advantages that one might expect from this establishment which, since it is possible for it to be a fine rich province, may attract to it a large commerce [that would be] very advantageous to the state.

As this commerce may contribute most to forming a flourishing colony there his Majesty has granted the exclusive privilege

¹ See the sketch of Duclos in the Introduction.

of it to *Sieur Crozat* for 15 years with the gift and perpetual ownership to him and to his heirs of all the mines, ores and minerals that he may discover and make use of as also of the lands that he will have cleared and cultivated on the conditions stipulated in the letters patent of which his Majesty encloses herewith a copy to the said *Sieur Duclos* with which he orders him to comply in all their content and to give the directors, clerks or agents of the said *Sieur Crozat* all the (p. 148 v.) protection that they will need both for the commerce, exploration and exploitation of the mines, ores and minerals and for the clearing and settlement of the land.

The curacies of Louisiana are served by priests of the Foreign Missions whose number must always be² for the maintenance of whom His Majesty has an annual payment made in France.

There have been frequent complaints against some of these missionaries to whom their avarice has given the greatest cause, and this has been very unedifying for the inhabitants, but in proportion as his Majesty has been informed of it he has given orders to have them recalled and to send others who by their disinterestedness and the regularity of their morals would contribute to the edification of the people. That has been executed and we have reason at present to be pleased with the missionaries who are there. *Sieur Duclos* must urge them to continue in this disposition which may attract to them the confidence of the inhabitants and induce them by good example to profit better by their remonstrances, and together with the Superior investigate whether no disorder at all is slipping in among the priests which it is well to repress (p. 149) before it causes any scandal.

As the first concern must always be the religious worship he will give attention, and by preference, to everything that may concern it by investigating and examining personally to see whether it is being conducted decently [and] by taking measures with the inhabitants to dispose them to establish commodious and suitable churches according to the usage of the country, whereupon it is well that he be informed that *Sieur de Bienville* has made known that the inhabitants were preparing to erect one at Port Dauphin, stimulated by a present that was made to them by *Sieur de Rémonville* for this edifice. He must induce them to put it in order and take all possible measures to have them accomplish

² There is a short blank space here in the original. The clerk failed to insert the number.

it. Before finishing the article which concerns religion his Majesty recommends to him to give the inhabitants an example in everything that may attract to it the veneration and attachment that all ought to have for that and to exhort to it the officers, the soldiers and the inhabitants of the colony since they need the example of the superiors to be restrained in this matter within the limits in which they ought to be. His Majesty does not doubt at all that he will be aided in that by *Sieur de Lamothe Cadillac* and he recommends it to him since there is (p. 149 v.) nothing that he has so much at heart as that which may contribute to the advantage of religion and to religious worship.

The administration of justice must follow religion in the division of the attention and application of *Sieur Duclos*.

Until the present there have been no officers of justice in Louisiana. Judges cannot be established there as in the other colonies because it is not yet sufficiently populated. His Majesty, however, thinks it advisable in order to give or to have justice rendered in the country to establish a Superior Council in it for three years in order to judge all affairs both civil and criminal, and to compose this Council he has chosen *Sieur Lamothe Cadillac*, Governor of the said country, the said *Sieur Duclos* whom he has made First Councillor, *Sieur de Bienville*, the King's Lieutenant, two other Councillors and an Attorney General who shall be chosen by the said *Sieurs de Lamothe* and *Duclos* conjointly, and *Sieur Maleffre*, the recording clerk. It will be the use that those who compose this Council make of the administration of justice that is entrusted to them that will cause his Majesty to continue and even to increase the establishment of this Council, or to abandon it.

The confidence that his Majesty has in the probity and the (p. 150) capacity of the said *Sieur Duclos* has caused him to decide to choose him to fill the place of First Councillor and he is convinced that he will respond by his integrity, his uprightness and his disinterestedness to what he expects of him.

His Majesty has assigned to him in the quality of First Councillor the functions of the first judges such as the fixing of seals,³ the inventories as well as the other provisory (provisional) matters, and he has given him as recording clerk *Sieur Maleffre*. He wishes him not to render in this quality any final judgment⁴

³ The French expression is *les appositions de levé*.

⁴ The French expression is *judgment définitif*.

since he does not wish to make his people of Louisiana subject to two degrees of jurisdiction and he recommends to him to render justice without prejudice or favor, to the poor as to the rich and to the weak as to the powerful and that no consideration may be able to alienate him at all from these sentiments. His Majesty is having a commission delivered to him in order in the absence of the Intendant of New France to have the letters patent of *Sieur Crozat* executed and conjointly with *Sieur de Lamothe* to make the requisite police regulations, give the concessions of the land and regulate their boundaries.

Since the military discipline of the troops in garrison in Louisiana which are at present composed of two (p. 150 v.) companies in each of which there is a captain, a lieutenant and an ensign concerns *Sieur de Lamothe Cadillac*, *Sieur Duclos* has no other attention to give to it than to learn whether it is being performed well and vigilantly in order to inform his Majesty of it. Those⁵ that relate to him exclusively are the disposal of the pay and of the munitions. The pay has been paid as regularly as the circumstances or occasions have permitted the treasurers of the navy to remit funds thither, but it is by no means given in full and part of it is retained in France which is employed for provisions for the subsistence of the soldiers. We are sending by the opportunity of the vessel that *Sieur Crozat* is having equipped at Port Louis clothing in full, flour and the said provisions for the soldiers, *Sieur Duclos* will be informed of what these provisions consist by *Sieur Clairambault*, the commissary general.

He will also learn the merchandise and munitions that his Majesty is sending by the same opportunity for the maintenance of the garrison and of the fort and for the presents to be made to the Indians and he will give great attention to their conservation, to handling them well and to preventing any waste. (p. 151)

It is possible for very great abuses to be committed in the flour in that the captains can have it given to them by their soldiers in order to allow them liberty to work for the inhabitants and to relieve them of guard duty. The soldier's earnings are ordinarily consumed in wine or in debauchery and this exposes him to frequent illnesses and may lead him to desertion. *Sieur Duclos* will seek the means of preventing the introduction of these abuses into Louisiana. It does not appear that there is any better

⁵ The word "those" refers to the word translated "attention" (*soin*) in the preceding sentence.

one than that of choosing a baker who would undertake to give the soldier his bread every week by delivering to him the flour in proportion paying a certain sum for the profit which he will find in it which one will be able to apply to the assistance of the sick soldiers or which one will be able to distribute to them all as it may be thought more just, but in making use of this expedient it will be necessary to keep watch over the baker's conduct and to explain to the soldiers that when the bread is not of the prescribed quality they will only have to bring it back and that the baker will be obliged to furnish them some more and will be sentenced to a fine if their complaints are just.

Sieur Duclos will be careful to have an account rendered to himself (p. 151 v.) by the keeper of the warehouse of the provisions, merchandise and munitions that have been sent from France, of the consumption that has been made of them [and] will oblige him to present the lists of goods received and the inventories^a that he ought to have been made from time to time. His Majesty knows that there has been little care for their conservation and likewise to prevent their waste. He will judge it by the investigation that he will make of which he will render an account and he will take the necessary measures to remedy it and to establish a better order for the future.

His Majesty has been informed that the merchandise and the munitions that have been sent up to the present for the presents to be made to the Indians have not been applied at all to the purposes for which they were intended. Sieur de Bienville has made it known that he was obliged to make use of them for the maintenance of the garrison. His Majesty desires that Sieur Duclos investigate this and sift it thoroughly and render an account of it.

Sieur de Bienville has taken some provisions and merchandise from the King's warehouse for his private use. His Majesty's intention is that he pay for them in keeping with the prices that they are worth in the country at the time he took them over and he orders Sieur Duclos to see to this and to (p. 152) make an end of this matter, of which he will render an account. He will also investigate whether there are any officers of the garrison or others who have taken provisions, merchandise and munitions from the warehouse for their private use and in that case he will adopt the

^a The French for the words translated "lists of goods received and inventories" is *etats de reception et les rescensements*.

same method of procedure that is prescribed for him in the case of *Sieur de Bienville*. Ordinarily the munitions, merchandise, arms, provisions and medicines are sent from France at the request of the commandant. In the future this will be the care of *Sieur Duclos* who will make the lists of them with *Sieur de Lamothe Cadillac*, and in this he will be careful to govern himself by what is absolutely necessary.

At the end of each year he must send a statement of the amount of provisions and munitions consumed and of the replacements [that are] necessary. He will also be careful to send duplicates of the lists of replacements to the intendant of the navy at Rochefort with whom he will maintain a correspondence about everything that concerns the shipments.

He will be careful to hold reviews of the companies every month. They must be signed by the governor. He will enclose abstracts of them with his letters for which he will take advantage of all the opportunities that he has.

He will also take care to send regularly every year the general census of the colony which he will make with the (p. 152 v.) greatest possible exactness. His Majesty has not yet ordered any regular fortifications at all in Louisiana. It will be necessary to investigate those that it will be necessary to build which will be most useful for the service and the welfare of the colony, and he is sending an engineer there to have the works [that have been] begun maintained and perfected and to draw up the plans for those that will be considered necessary in order that he⁷ may give the orders that he thinks advisable. It may happen that, not having gone to Port Louis soon enough, he may not embark on the vessel that is soon to depart for that colony, but in that case he will go over on the first one. The King has assigned to him the lieutenancy of *Vaulezard's* Company also. Although *Sieur Blondel* has an expectant order for the first lieutenancy [that is] vacant he must take advantage of it only after this one has been filled since this order was granted to him only on that condition.

His Majesty has explained to *Sieur de Lamothe* the functions of the governor and those of the commissary general. He thinks it advisable that *Sieur Duclos* also be informed of them in order to prevent every pretext for dispute between them. He must know then that the administration of the King's funds, (p. 163) commerce and everything that may relate to it concern him exclu-

⁷ The French pronoun *elle* used here shows that the reference is to "his Majesty."

sively; that the police [regulations] are in common with Sieur de Lamothe and they must carry them out conjointly and in concert. Everything that concerns the dignity of the command and the military belongs exclusively to the governor. It is for him to decide as to the fortifications on the plans and estimates of the engineer, for Sieur Duclos to regulate the means and order of the execution and for both to send his Majesty conjointly the plan and the estimates in order to receive his orders for which they must wait with the exception of works [that are] urgent and do not permit postponement such as entrenchments and batteries. The administration of the colonies has three parts, finance, plantations^s and commerce. Finance has little to do with Louisiana because his Majesty has no taxes collected there. Assurance is given that the land of Louisiana is good and as it is still new it must be suitable for all sorts of crops. It is necessary to devote oneself to the principal ones which are sold with most profit such as indigo and tobacco. Sieur Crozat is going to have obtained from Santo Domingo everything that is necessary to produce indigo and in regard to tobacco (p. 153 v.) Sieur de Bienville has made it known that the inhabitants of Louisiana are devoting themselves to this crop and that it is as good as that of Virginia. It will find ready sale if it is faithfully made and if it is not adulterated at all. Sieur Duclos must urge the inhabitants to devote themselves to everything that the earth can produce in order by this means they may be able to subsist with comfort.

As there are many mulberry trees there is a conviction that it will be possible to make silk there in abundance. It is a merchandise [that is] valuable and finds ready sale. Sieur Duclos must direct them to put themselves in a position to profit by it.

Application to the crops that serve commerce must not prevent Sieur Duclos from seeing to it that each inhabitant has some bit of land of his plantation planted in food products of the country in order to supply in part the needs that may arise either through the enterprises of the enemies or because the circumstances do not permit us to send any from the kingdom or because there is a shortage, so that they may be certain to suffer less in whatever situation they may be. They must not devote themselves to raising wheat. It will never grow well in this colony. The inhabitants (p. 154) are convinced of it by the experience with

^s The French word translated "plantations" is *habitations*. Perhaps "settlements" would represent the French more accurately.

that which they planted which grew only as grass, and as it is not advisable that they cultivate it he must divert their thoughts from it more and make them recognize how true it is that they will find more profit in cultivating indigo and tobacco.

It is also necessary to establish the commerce in horned and wool-bearing cattle. There are fine and vast prairies in Louisiana where many of them can be raised from which great use will be derived both because of the supply of meat and milk products and because of the leather, wool and tallow which will be sold to advantage.

Up to the present there has been little order in the concessions of land. His Majesty is having delivered to Sieur Duclos a model of the manner in which he wishes those that have been given by Sieurs de Bienville and d'Artaguet as well as those that will be given in the future by Sieur de Lamothe and the said Sieur Duclos to be expressed. He will be careful not to make them too extensive, to grant them in the best lands and to bring the plantations as near together as possible. His Majesty, however, relies upon the prudence of the said Sieurs de Lamothe and Duclos to grant them as they judge (p. 154 v.) proper both in extent and in situation.

Sieur de Bienville is asking for one with freehold rights^o and this his Majesty has not thought it at all advisable to grant him so far as the freehold rights are concerned but he will approve of Sieur Duclos' granting the concession conjointly with the said Sieur de Lamothe without title or freehold rights, provided however, that there is no objection at all, being careful to grant it with the smallest extent possible.

Sieur Duclos will see by the letters patent that Sieur Crozat has the right to make use of the pirogues, Biscayan boats, feluccas, small vessels and rowboats that belong to his Majesty in the said country of Louisiana on condition that he maintain them in good condition and hand them back after the expiration of the privilege in as good condition as he has received them; so he will give attention to having an official report made of the condition in which these vessels are at the time of the delivery which shall be made to the agents of the said Sieur Crozat in order to have redress there.

The present union of the crowns of France and Spain demands that Sieur Duclos give particular attention to establishing it between the nations and to avoiding on his part everything that

^o The French expression is *en fief*.

might disturb their good understanding. (p. 155) It must not be carried to the extent of failing to conserve the interests of the French or of permitting the Spaniards to establish themselves on our lands, but in concert with *Sieur de Lamothe* he must correspond with the governor of Pensacola to whom his Majesty had ordered assistance in munitions to be given in case he needed it. That has been executed and on his part this governor has given assistance when occasion arose. He will learn from *Sieur de Bienville* the situation that he is in with this governor for the reciprocal assistance that they have given each other and in case anything is due from the Spaniards he will attempt to obtain its value and will render an account of what he does.

His Majesty desires that on the arrival of each vessel that the said *Sieur Crozat* sends to the said country of Louisiana he examine whether the condition (of) ten girls or boys by each ship is carried out and he will render an account of it.

He recommends to him to give every attention to seeing that the girls that are sent to the said country of Louisiana are married there as promptly as possible and in the meanwhile to watching attentively to protect them against license and to see to it that they live (p. 155 v.) with the discretion and modesty proper for their sex.

Sieurs de Bienville and *d'Artaguet* have made it known that since the woman name *Marie Grizot*, a midwife who was sent to the said country of Louisiana both for the confinement of the women and for the care of the sick, has refused to perform this latter function or to have anything to do with the operation of the hospital they have thought it right to deduct two hundred livres from the fund of four hundred livres that his Majesty annually provides for the wages of the said *Grizot*, and they have used these two hundred livres for the payment of the wages of a carpenter who is serving usefully in the colony. His Majesty has approved of what they have done in this respect and he wishes that that be continued in the same way unless this woman decides to take care of the sick.

He must investigate whether those who have charge of the administration of the hospital are discharging it well, whether the sick are well cared for in it and whether there is any waste, in order that he may bring into it the necessary order and method.

He will learn from *Sieur de Bienville* the Indian nations that are allied with the French and the measures that he has taken to

attract the others. His Majesty desires that he co-operate with Sieur de Lamothe in (p. 156) maintaining peace among them, conciliating them in the quarrels that they have with each other and attaching them to the French.

MEMOIR FROM KING TO DUCLOS

Document No. 3

Ministry of the Colonies, Series B, Vol. XXXIV, pages 161-162; Mississippi Copy, Vol. XXXIV, pages 113-114: King to Duclos. December 24, 1712, Versailles. Sends a commission and credentials as First Councillor in the Superior Council. Means of increasing the commerce of the colony.

SIEUR DUCLOS

At Versailles. December 24, 1712

I am sending you a commission in order in the absence of the Intendant of New France to inquire into all the enterprises and practices that are carried on contrary to his Majesty's service, to have (p. 161 v.) the letters patent of Sieur Crozat put into effect and conjointly with Sieur de Lamothe to make the necessary police regulations and grant the concessions of land, and the credentials of First Councillor in the Superior Council of the province of Louisiana which the King has granted to you.

You must know that the colonies are useful to the state only in so far as they can increase its commerce and furnish by themselves the maintenance of the garrisons and of the forts. His Majesty has been willing up to the present to meet the expense of them. He is informed that this colony is not sufficiently populated or solidly enough established to be able to support itself and maintain itself by itself, and that has made him decide to continue to provide the same funds that he has provided in the past until the colony is in a different condition.

There is every reason to believe that in the future the establishments and the commerce will be important enough in it to hope that his Majesty will be able to unburden this expense upon it, but for that you must from the present time have as your object the seeking the means that appear to you to be the least burdensome and the most suitable for the inhabitants in order that they may be put into use in the future. You must send me memoirs on this subject. (p. 162) This must be conducted with secrecy, prudence and discretion in order to be able to derive from it in the

course of time the advantage that I have in view. You must not speak of it at all for it is necessary to be very careful not to displease or to intimidate those who desire to go and settle in Louisiana. This fear must not, however, prevent measures from being taken to govern it in order that the maintenance of this colony may cost the King less.

PONTCHARTRAIN TO DUCLOS

Document No. 4

Ministry of the Colonies, Series B, Vol. XXXV, pages 320-321: Mississippi Copy Vol. XXXIV; pages 139-141. January 28, 1713, Marly. To Mr. Duclos. About the conduct that he must observe and the commerce that he must not carry on.

1713.

Registry of the Letters Written by My Lord Count de Pontchartrain to the Officers of Louisiana.

To MR. DUCLOS:

At Marly, January 28, 1713.

I have received the letter that you wrote to me on the twentieth of this month in which you inform me that Sieur de La Jonquière would not take on board the clothing, provisions and implements that you inform me that you need in order to be able to subsist and adapt yourself to Louisiana.

Mr. Crozat writes to me also on this subject and informs me that he will gladly have the provisions and clothing that are necessary for you put on board ship. I am writing to him that he is to do so but I am afraid that there may be some merchandise in the packages that you wish to ship. In that you would be vastly wrong for you know that you must not carry any at all since the commerce (p. 320 v., l v.) of this colony belongs exclusively to Mr. Crozat and that you must yourself see to it that nobody other than his clerks carries it on.

I am writing to him about the scrutiny that the one whom he has appointed to look after his affairs on his vessel wished to make even of the least of your caskets. One must not often carry exactness too far, however when one has in one's effects only what one absolutely may carry one must not be embarrassed at all by the scrutinies. In that case they do honor to those to whom they are made.

Now that the difficulty that was holding the *Baron de la Fauche* has been removed nothing will any longer prevent *Sieur de La Jonquière* from setting sail.

I recommend to you always to conduct yourself in the country to which you are going with the dignity that is becoming to the character with which his Majesty has honored you and with the disinterestedness that a judge must have. You must induce those people all to live in peace and harmony, all to cooperate in the establishment of the colony and to make an important country of it. The good justice that you render to the inhabitants, the advice that (p. 321, 2) you give them to make the land profitable and the gentle and affable manner with which you must treat them must attract new ones to this new colony from which you must write to me by all the opportunities that you find in order to render me an account of what happens there.

(To be Continued)



SANITARY CONDITIONS IN NEW ORLEANS UNDER THE SPANISH REGIME, 1799-1800

Translation of a letter to the Cabildo from El Sindico
Procurador General del Publico dated January 24,
1800, in the Archives at the Cabildo, New Orleans.

By LAURA L. PORTEOUS

Introduction by Editor, La. Hist. Qy.

THE document translated by Miss Porteous is an official description of sanitary conditions in New Orleans in 1799-1800, written by Pedro Dulcidio Barran, El Sindico Procurador General del Publico, a title which she translates "Attorney General" and which may be accepted with reservation until some day we shall be able from our records of that period to establish the exact status of that officer in the administration of the city. Miss Porteous reports that Barran appears in the Spanish records as early as January 17, 1788, and that he was in 1800-2 an attorney of the Cabildo (Procuradores del Numero), a special group of official favorites of the time, who enjoyed the privilege of pleading as agents or attorneys before the courts of New Orleans. It does not appear that these men were licensed lawyers or that they were really members of the profession. The Spanish notarial records show that Dulcidio was here as late as 1821.

The original petition is addressed "Muy Illustrisimio Ayuntamiento" often abbreviated to "M. I. A." and this address our translator renders into English as Very Illustrious Magistrates. This title was the common usage in addressing the Cabildo. It may also have been used while addressing the executive officers of the province but Miss Porteous has concluded that this particular document was addressed to the Cabildo. The translator says that it tells "a pitiful tale"; the editor thinks it is moreover a harsh indictment of the Spanish rulers of the city of New Orleans in 1800.

The romance and glamor of the Spanish regime in Louisiana has filled many minds with the idea that it was the golden age

of Louisiana, but one of the results of our scrutiny of the official and private documents of that period in the sure and certain destruction of the halo of romance. There was no romance in the lives of average citizens or workers in New Orleans, the men and women who were the real people, who wore no uniform and filled no offices, but who, as merchants, traders, mechanics and cultivators, carried the burden of maintaining and upbuilding the city, who had to live and suffer in the squalor this document describes. These people could scarcely have loved or respected the rulers (city and province) who permitted those conditions to exist.

The document opens with a reference to the yellow fever epidemic of 1799 in New Orleans. The writer implores the help of the government and the administration "to prevent as much as possible, or at least (to) lessen the horrors of a calamity that with reason frightens all homes." He was ignorant of the cause of such epidemics and of course knew nothing of the source of transmittal. The discoveries that have made New Orleans immune were yet in the womb of time,* but the writer placed an unerring finger on some of the sore spots, that in his judgment were at least contributory causes. His complaints have a curiously modern tone and some of the criticism is applicable to conditions of today, for instance, he lists the uncleanness of the city "not only the outside of the streets and alleys, but the interior of the courtyards of the houses, water-closets, drain pipes, stables." The rain and filth, he says, fills up excavations, making quagmires where these have overflowed. Unfilled lots in central positions were also great sources of infection. He names one such on Royal Street belonging to Lieutenant Colonel Don Cenon Trudeau, between the houses of Dona Rosalie Andry and Widow Villavaso. Another belonged to Don Felix Arnaud and the two corners "on the street by the church" belonging to Madame the widow Livaudais and Madame the widow Chauvin. These were evidently the corners of Royal and Orleans Streets, because he next mentions "another house on the said street owned by the free mulatress Julia Brion; this is near the petitioner's house, causing dampness, much inconvenience and injury to all in the immediate neighborhood who complain of these annoyances" the owners, he said, should be compelled to fill "their lots up to the level of the rest."

* Matas, Dr. R., "Yellow Fever, A Retrospect and Prospect," *La. Hist. Qy.*, Vol. 8, p. 454, (July, 1925).

The batture in front of the City was in like condition. Here was dumped "the filth and rubbish" of the quarter, disagreeable and unhealthy, and causing continual infection, making the principal promenades of the city odious and unsanitary. "The stench and corruption" are particularly bad in warm weather. He appeals to have this place cleaned up and the use of it for such purposes strictly forbidden and suggested that the city filth be carried out in the river and dumped in the current. Another center of infection was the public dump at St. John Gate, where the trash "that is thrown out daily was deposited at the side of the public road." He suggested this should be carried further away into the fields and buried in ditches.

Another complaint was against the cemeteries of the city that he says are situated in small spaces and constantly exhaling odors "the pestilent exhalations of the dead bodies buried in the surface of the earth." This comment had reference to the protected city cemeteries of the faithful, but there was an even worse situation:

"It is likewise necessary for the preservation of the human race that a place be marked out and enclosed at a distance from this Capital for the burial of those persons who have the misfortune to die in other beliefs than that of Our Holy Catholic Religion, because those places where they are usually interred are not only too near the town, but are open and exposed so as to become more easily the food for birds and carnivorous beasts as the burial trenches have not the necessary depth."

He recommends that these interments be made in simple shrouds and with sufficient lime to consume the bodies quickly.

The writer closed his petition with some sage reflections on the necessity of establishing a quarantine on marine commerce. This recommendation indicates that there was at that time no method of preventing fever laden ships from discharging passengers and cargoes at the city front. He goes into much detail on this subject and his remedy seems to be on the lines that ruled in the port of New Orleans during the nineteenth century. In brief, he suggested the establishment on the lower river of a kind of hospital or lodging with a number of rooms to receive the sick of each ship, with a surgeon in attendance and a sanitary officer empowered to establish a quarantine on persons and property, with fines and penalties to enforce this regulation.

He believed that infection was carried in the cargoes and he recommended that the quarantine service include the inspection and airing or destruction of such germ carriers.

We have no means of knowing what action was taken on this complaint of the chief law officer of Spanish Louisiana. It was, however, such an earnest and frank appeal to the city fathers as deserved attention. We know that during the whole of the nineteenth century, the city was afflicted with yellow fever, and that the remedy was discovered and applied only within the memory of people still living. The disposal of sewerage and domestic filth has also been given scientific treatment and is no longer a municipal problem. The garbage and trash is still with us, but it is no such evil as it was in Senor Dulcidio Barran's day. The reference to the treatment of the non-conforming dead opens up a new view of the horror of death in New Orleans in the days when the official religion of the province prevented the interment of dissenters in consecrated ground and municipal negligence made no provision for their interment, leaving the mortal remains to be preyed on by the birds and beasts of the wild. It would be useful to examine this curious feature of our Spanish local history to determine when and how this barbarous custom was abandoned.

HENRY P. DART.

**Letter of Procurador General Pedro Dulcidio Barran to the
Cabildo of New Orleans Complaining of Sanitary
Conditions in 1800.**

TRANSLATED BY LAURA L. PORTEOUS

No. 337
January 24, 1800
Petition from the
Attorney General
setting forth the
precautions to
take to prevent
the ravages of
yellow fever.

VERY ILLUSTRIOUS MAGISTRATES.

Don Pedro Dulcidio Barran, Attorney General for the public of this city will explain to Your Excellencies with due respect that the adjoining neighborhood is frightened by the destructive ravages experienced in this Capital by the lamentable epidemic that prevailed last summer, fearing its repetition in the future and wishing to prevent such deplorable harm by the most efficacious means, I pray Your Excellencies that it please you to employ every means that will be necessary for this purpose, imploring the help of the Government and the Administration for it so as to prevent, as much as possible, or at least lessen the horrors of a calamity that with reason frightens all homes.

Among the most proper precautions for the benefit of such an important object, the principal and most urgent seems the cleanliness of the city, not only the outside of the streets and alleys, but the interior of the Court yards of the houses, water-closets, drain-pipes, stables, etc. This can be obtained in a great part, by facilitating the running and discharge of the waters, such as rain and filth that fills up the excavations, or quagmires where these have been overflowed. Some of the lots that are enclosed are too low and should be raised, causing vapors that are pernicious to health, particularly in summer when the extreme heat easily corrupts the said water. Four of these lots merit special attention because of their central positions and are of the greatest danger to the public. These are the ones belonging to Lieutenant Colonel Don Cenon Trudeau on Royal Street, between Dona Rosalia Andry's house and widow Villavaso's; Don Felix Arnaud's; Madame, the Widow Livaudais'; as well as Madame, the Widow Chauvin's, both having corners on the Street by the Church; and another house on the said street owned by the free mulattress, Julia Brion, this is near the petitioner's house, causing dampness, much inconvenience and injury to all in the immediate neighborhood who complain of these annoyances and therefore the owners should be compelled to avoid further trouble by filling their lots up to the level of the rest.

It is none the less worth while to care for the part called the Batture of the city fronting on the quarter from which the filth and rubbish collected is thrown out that causes a continual infection, both disagreeable and unhealthy, making the principal promenades of the city odious as well as unsanitary. The stench and corruption of the said filth is particularly bad in warm weather. It will be for this very reason necessary to clean up the said place and to strictly forbid the use of it for this purpose as it is so hurtful to the health, arranging to have the filth swept away and thrown out exactly at the River at a certain proper distance so that it may be carried away by the current, constructing the necessary bridges on boats or lighters for this purpose.

Those around the city require no less attention as to cleanliness. In order to obtain this it is of absolute necessity that the trash that is thrown out daily by the people and that is dumped near the St. John gate, at the side of the public road must be carried further away into the fields and thrown into ditches of a certain depth that are surrounded by trees that will prevent unhealthiness that for lack of these precautions offend the people. It is not to be doubted that the heat of the sun causes the putrefaction of this said filth. The overflowing water is another one of the causes of the evil that we have suffered. The sole remedy against this grave difficulty seems to be to plant trees in circles around one and the other so that their branches will prevent the action of the sun's rays upon the putrid matter and will serve

as a preventive. Willows are without doubt better for the purpose than any other because of the greater facility with which they take root and grow as well as the thickness and interweaving of their branches.

Another object that merits the most serious consideration principally in countries so low and swampy as this is, are the cemeteries which if neglected and the necessary precautions are not taken become the source of the most dangerous sicknesses. Here with greater cause than in any other part should be situated the farthest distance possible from the town in places that are the least damp and as far away as can be from the swampy places in which they are now situated and the small spaces that enclose them. These are sufficient obstacles alone to infect the city, because of frequent burials especially in times of great heat, even though laying aside the pestilent exhalations of the dead bodies buried in the surface of the earth, remaining there to cause injury to health. The vapors from the excavations in the muddy ground that is so near the city spreads over it immediately. If this point is examined with all the reflection that it demands it will cause wonder that greater evils have not been experienced than those suffered up to now. Henceforth it will be a warning that must be feared in case the precautionary remedy should be omitted against such imminent danger. For the full benefit of such important end it will be necessary to surround the said cemeteries with the same trees already mentioned that will intercept the said exhalations and vapors preserving the city from one and the other. The petitioner omits, as it is too well known, how in our times this matter has occupied the attention of the most cultured nations, municipal bodies and magistracies.

It is likewise necessary for the preservation of the human race that a place be marked out and enclosed at a distance from this Capital for the burial of those persons who have the misfortune to die in other beliefs than that of Our Holy Catholic Religion, because those places where they are usually interred are not only too near the town, but are open and exposed so as to become more easily the food for birds and carnivorous beasts as the burial trenches have not the necessary depth. From all these defects the gravest inconveniences arise prejudicial to the health. Another thing that also contributes to it is that generally they do not prepare the coffins with a quantity of lime sufficient for the consumption of the bodies so that upon opening the graves again for other burials a pernicious exhalation proceeds that spreads about. For this reason it will be very opportune that in place of conveying and burying the bodies within the said coffins which by the quality of wood that is used here for them, preserves the human fragments for a long time. They should make coffins, boxes, or cases to carry the dead, burying them, simply shrouded, in these in such a way that the consumption of their

bodies will be most quickly accomplished. The saving of the cost of the coffin will be obtained, burdensome to many poor families who in place of these expenses will have to pay only a moderate price for the said coffins, in proportion to the greater or lesser decency of these as is generally in practice in nearly all of Spain.

The petitioner can not leave without presenting also to the consideration of Your Excellencies another point of less importance, but analogous to the same essential that must be treated, namely, no one is ignorant of the fact that epidemic diseases are transported or brought from most distant countries by means of navigators and merchandise (principally by woolen goods) in which miasmas, or putrid atoms, or infections are preserved for a long time and at disembarkment in another climate spread abroad in the air and propagate, producing disastrous results. Fundamental reasons to suspect that this may be another one of the causes of the evils mentioned that have afflicted us so much. Prudence counsels us that to prevent this in the future we must take opportune measures at once. The petitioner thinks that the best method would be to establish in some place on the lower river a kind of hospital or lodging with a certain number of rooms to receive the sick of each ship that might have them on board, coming up here for the city. In this place a surgeon should be assigned who besides attending to the matters of his profession in this said hospital will have the duty of going on board of all the ships entering, paying a visit of sanitation as is customary in all the Ports and will be empowered to detain not only as many persons as are recognized as having a touch of the contagious disease, but also the ships in which these sick or infected persons have been found until its quarantine is completed, taking the rest of the ordinary precautions to preserve public health such as the unloading of whatever cargo that comes from countries where epidemics prevail, the bales, boxes and chests must be aired and purified by means of the sun and air. The merchandise, and above all the woolen textures will be permitted entry after this is done provided they bear the necessary certification from the forenamed surgeon, it is for health that the required preventives must be taken and without them no ship must be permitted access to this port under penalty of a considerable fine to any Captain who lacks the said formalities.

The petitioner knows that for the execution of all that has been presented it is absolutely necessary to obtain the help of this Superior Government and Administration particularly with regard to the establishment for sanitation mentioned where it will be necessary to have a detachment of troops stationed and some Minister of Security (Custom-house officer) of Royal Revenues to avoid frauds in case a provisional unloading of the ships is required. I repeat to Your Excellencies the petition to implore the said help of the respective Chiefs sending to the said gentlemen copies of this presentation for the purpose of informing

them by it of the points that actuate the attorney general equally interested in public welfare that for the better service of both Majesties may it please you to be inclined to the accomplishment of this with the zeal and activity that manifestly characterizes the said Chiefs, the petitioner not doubting that it will be favored and enforced with all the accustomed efficacy accredited to the patriotism of Your Lordships to calm the anxiety and anguish of the public. New Orleans, January 24, 1800.

(Signed) P. D. BARRAN.



A HISTORY OF CONCORDIA PARISH, LOUISIANA

BY
ROBERT DABNEY CALHOUN,
VIDALIA, LA.

Dedicated to the memory of my father, Judge Nathan Meredith Calhoun

(Continued from July, 1932, Quarterly)

FOURTH INSTALLMENT

CHAPTER IX*

FERRIES, ROADS, LEVEES.

I.

We have already noted some of the early ferries. We do not know when a steam ferry was first operated at Vidalia. In April, 1831, the Police Jury ordained:¹⁷⁶ that the proprietor of the ferry at Vidalia should not be required to cross "*the ferry flat*" for less than fifty cents; and in May, 1833, they ordained:¹⁷⁷ "that the person who keeps, or may hereafter keep the ferry across the Mississippi at Vidalia, so long as he shall run a *steam* ferry boat, shall be required to leave this shore as early as sunrise in the morning, and from that time until dark, shall leave this shore for the other as often as once each hour."

* The author is in receipt of a letter from Mrs. Lillian Herron Williamson, President Monroe Public Library, Monroe, Louisiana, in which she says that an error was made in the *Quarterly* for April, 1932, p. 219 in the reference to Fort Miro and the descendants of Don Juan Filhiol.

Mrs. Williamson says:

"Don Juan did come to the present site of Monroe in 1785 but the first five years of his life here were spent in establishing a home and it was not till the 8th of September, 1790, that he gave the order to build the stockade which he afterward named Fort Miro. It was about the first of 1791 before the stockade was built and named.

"You mention also that his descendants are the Breards. It is true that one branch of the many branches of the Breards are descendants but the Filhiol family still live here and I think they should be mentioned since they bear the name and have the family records and diaries in their possession, showing their direct descent. Of course, both of these are minor matters, but for anyone reading history of Ouachita Parish, they are important and I hope you will see fit to have the corrections made by the *Quarterly*."

We cheerfully make the corrections and we trust our correspondent may go further and prepare a paper for the *Quarterly* based on the diaries and other records so far as they will throw light on the career of Don Juan Filhiol.—Ed. *La. Hist. Qy.*

¹⁷⁶ *The Concordia Digest of Police Jury Ordinances*, (1850), p. 9, (cited hereafter as *Concordia Digest*).

¹⁷⁷ *Ibid.*, p. 9.

Judging from these ordinances, a steam ferry must have been put in operation about the latter date. In the *Concordia Intelligencer*, of August 27, 1846, we find the advertisement of "The Natchez Steam Ferry", W. M. Shaw, Proprietor, reading as follows:

"The proprietor respectfully informs the public, and particularly travelers and emigrants to Arkansas, Louisiana and Texas, that he has just built and put in operation at the Natchez Ferry, a new, large, substantial, double-engine steam ferry boat, possessing every convenience for the safe and speedy transportation of any number of passengers, with their wagons, stock, etc., without delay. The route westward by way of Natchez presents great inducements to travelers and Emigrants, it being the best and shortest route through the Mississippi bottom. Provisions, corn, meat, etc., to be had on the boat to suit the wants of travelers."

To close the subject of the Vidalia ferry, exclusive franchises were given until the Supreme Court of the United States, in the case of *S. B. McNeely vs. Town of Vidalia*, held, in 1927, that:

"A town may not consistently with the commerce clause of the Federal Constitution, make its consent and license a condition precedent to the right to engage in operating a ferry from its river front across the river to a town in another state."¹⁷⁸

The State Legislature, by act approved March 12, 1838, granted Edward Doty the exclusive franchise, for ten years, to operate a ferry across the Tensas River, opposite his residence, conditioned that he would keep the road from the ferry landing to Harrisonburg in good condition.¹⁷⁹

By Police Jury ordinance of November 17, 1841, a public ferry was established at the old Cady Heverard ferry across Black River;¹⁸⁰ and by ordinance of November 8, 1842, a public ferry was established at the junction of Old River with the Mississippi.¹⁸¹

Public ferries were established, by ordinance of November, 1845,¹⁸² at the following places:

¹⁷⁸ 274th U. S., 47th Supreme Court Reporter, p. 758.

¹⁷⁹ Acts of 1838, p. 88, Sec. 1.

¹⁸⁰ *Concordia Digest*, p. 67.

¹⁸¹ *Ibid.*, p. 67.

¹⁸² *Ibid.*, pp. 68, 69.

Across Cocodrie Bayou at intersection with Horse Shoe Lake; across Plowden's Bayou and Wyche's Bayou at their intersection with Black River, and at Cross Bayou, and at the mouth of Kimball's Bayou.

The ordinance of May 7, 1846,¹⁸³ established a public ferry on the Tensas, at the point known as "Brown's Ferry"; and by ordinance of December 20, 1847, public ferries were established across Black River at Z. Parham's landing and at Jacob Earhart's landing, and across Wild Cow Bayou.¹⁸⁴

2.

By act approved March 2, 1811,¹⁸⁵ the Territorial Legislature appropriated \$2,000.00 "to open and establish a road from the Parish of Concordia to Alexandria, in the County of Rapides, and the Judge of the Parish of Concordia and David B. Morgan, William Miller and Josiah Johnson are hereby appointed Commissioners to superintend the works to be made on said road." No mention of this is made in the testimony in the Davis suit.

While not a road proposition, by Act¹⁸⁶ approved February 27, 1822, the Legislature appropriated \$2,000.00 "for the purpose of improving the navigation from Lake Concordia to the River Tensas, through the several bayous communicating therewith", and "Philip Caldwell and Zacharia Taliaferro, of Catahoula Parish, John Hughes, of Ouachita Parish, and Samuel Davis and James Dunlap, of Concordia Parish are hereby appointed Commissioners for the purpose of carrying into effect the object of said appropriation; and authorized to let contracts for the work, and draw on the State Treasurer for payment," etc.

By Act approved May 18, 1825, Samuel Davis, Richard King, James Miller, Jonathan Hagerty and James C. Caldwell were appointed Commissioners for opening a road from Vidalia to Harrisonburg, and \$1,000.00 was appropriated for the purpose, to be drawn on certificate of the Commissioners, approved by the Parish Judge of Catahoula.¹⁸⁷ This act was amended by act approved March 13, 1830, naming George Spencer, Thomas Bryan, Jacob Humble, George W. Lovelace and David McClure as Commissioners, and appropriating an additional \$2,000,¹⁸⁸ and

¹⁸³ *Ibid.*, p. 70.

¹⁸⁴ *Ibid.*, p. 70.

¹⁸⁵ Acts of 1811, Chapter 13, p. 44.

¹⁸⁶ Acts of 1822, p. 22.

¹⁸⁷ Acts of 1825, p. 33.

¹⁸⁸ Acts of 1830, p. 60.

there was another act on the same subject, approved in 1837.¹⁸⁹ This was the old "Doty Road."

By Act approved March 22, 1823, W. E. Parker, Samuel Lightner, William Blunt, James Dunlap and John D. Smith were appointed Commissioners for the road leading from the ferry in Concordia, opposite Natchez, to Sicily Island.¹⁹⁰

In 1845, the Police Jury divided the Parish into twenty-four Road Districts, outlined in the ordinance,¹⁹¹ and the names of the plantations and the plantation owners of each district are given—too lengthy to incorporate here. Under this ordinance, the Sixth District was described as:

"Commencing at the upper boundary of Road District 5," (at the Court House in Vidalia), "and extending up the bank of the Mississippi River to the upper line of Isaac Lum's Plantation, and also around Lake Concordia, inside the "O" District, to the Southern line of Hermitage Plantation, to be worked by the hands of Samuel Davis' River Plantation, J. Surget's River, Granville and Waterloo Plantations, D. S. Stacy, L. H. Thistle's Waverly Plantation, Marengo Plantation, John Ker's Good Hope Plantation, and the lands of Isaac Lum."

We call special attention to this District because, in 1845, the road extended straight up the river from the Court House, and around in the "O", (Oh!). At that time, and within the memory of men now living, the river had not cut into Lake Concordia,* but followed the foot of the bluffs at Giles'. At that time, the Lake was similar in shape to Horse Shoe Lake—hence District was called the "O". Albert H. Gillespie tells us that, when he was a small lad, he traveled this road, and that it was only seven miles from the Court House to Bullitt's Bayou.

All of these very large and fine plantations, (with the exception of Davis' River and part of Surget's River Plantation), with several others, have long since succumbed to the gnawing appetite of the Mississippi currents.

¹⁸⁹ Acts of 1837, No. 98, p. 91.

¹⁹⁰ Acts of 1823, p. 88.

¹⁹¹ *Concordia Digest*, pp. 57-61.

* In report of a topographical survey of a number of parishes, made in the summer of 1872 by Prof. Samuel H. Lockett, of La. State University, the author says: "Lakes Concordia and St. John are like False River and Old River, previously described in the account of Pointe Coupée Parish, old bends of the Mississippi River, made into lakes by cut offs and subsequent filling up of the ends of the bends by batture."—Documents 2nd Sess., 5th La. Legislature, (1878), p. 134.

3.

Under the old Spanish grants, riparian proprietors were required to construct and maintain levees, and this requirement was in force for quite a time after Louisiana became a State, the whole matter of financing and building levees being left to the Police Juries.

The earliest record we have is the Police Jury ordinance of August 9, 1813,¹⁹² passed in pursuance of the Territorial Levee Act of April 6, 1807. This old ordinance appointed John Minor, William Blunt and Joseph Walker to lay off and mark the course of a levee to be constructed in the "O" District on Lake Concordia. John Minor, Manuel Texada and John Perkins were appointed Commissioners to lay off and mark the course of a levee running from Lake Concordia out to the river, and down the river for some seven or eight miles below Vidalia. Burwell Vick, Arthur Andrews and E. W. Tyler were appointed Commissioners to lay off and mark a levee further up the river; and Augustin Freeland was appointed a Commissioner to lay off and mark a levee from lower line of his plantation on the Mississippi, up the river to Bruin's Bayou and along the margin of the Bayou.

Under penalty of \$50 fine the several Commissioners were required to make their reports in writing to the Parish Judge within thirty days. Proprietors through whose lands the levees were laid out, were required to construct same at their own expense, on or before December 1, 1813, and to keep same in repair under the supervision of the Parish Judge. That the Parish Judge should inspect the work within 15 days after December 1, 1813, and to immediately proceed to have built the levee of any defaulting proprietor, and at his cost. On failure to repair a levee, when notified by the Judge, the proprietor was subject to a penalty of \$5.00 per day for every day after the time limit fixed by the Judge had expired; and he was also liable for any special damage sustained through his neglect; and his property subject to seizure and sale to pay penalties, costs and damages. That the levees should be as wide at the top as they are high; and at least two feet higher than the water of the present year, (1813); and that all timber standing in reach of said levees shall be fallen, etc., etc.

This action of the Police Jury seems to have met with disfavor, for we find in the Parish Archives an old original petition,

¹⁹² Original printed copy—Archives—not recorded.

addressed to Judge Perkins, dated November 2, 1813, reciting that these levee ordinances and resolutions were passed "without the necessary information being before the Jury, and that they are injurious and oppressive to sundry individuals, without affording any equivalent or considerable advantage to the public," and praying that he summon the Jury in special meeting to reconsider their action. The signers of this petition were: J. Vidal, Jno. Minor, George Cammack, Norman McGinnis, Thomas A. Smith, David B. Morgan, J. Black, John Hoover, John Hootsell, Edward King, D. Lattimore, Jno. D. Smith, Joseph Walker, Ben Bynum, W. Willis, Jno. Foster, William Hootsell and Charles G. Lee. We cannot say what the result of this petition was, as there is no record.

It would incumber this work to attempt to catalog the levee petitions, reports, etc., which we find in the Parish Archives for the early days. As early as the Ordinances of 17th and 19th of November, 1841,¹⁹³ an acreage tax of ten cents per acre on cultivated lands and five cents per acre on uncultivated lands was levied for levee purposes. By those ordinances, it was provided that every levee shall be of such height that, after the sinking of the earth, it shall be one foot above the water mark of 1828, from which we judge there was a great flood in that year, and the deepest known up to that time. These two ordinances of 1841 divided the Parish into Levee Districts, created the offices of Levee Commissioners, Inspectors, etc., etc.

In passing these two ordinances, the Police Jury exceeded its powers, and the General Assembly by Act of March 26, 1842, ratified or confirmed the two ordinances *in toto*.¹⁹⁴

In the case of *Slattery vs. Police Jury of Concordia*, (1847), the Louisiana Supreme Court¹⁹⁵ said:

"For the proper understanding of this case, it is necessary to premise that the general laws of the State in relation to roads and levees are not enforced in the Parish of Concordia. The section of the Act of 1829, concerning roads and levees, declares that the provisions thereof shall not apply to that Parish, except such as may be adopted by the Police Jury, and 'that said Police Jury shall have plenary and unlimited power to make such enactments in regard to roads and levees as they may deem necessary and proper, including the power to author-

¹⁹³ *Concordia Digest*, p. 27, Art. 90.

¹⁹⁴ Acts of 1842, No. 164, p. 472.

¹⁹⁵ *Second La. Annual*, p. 444.

ize the assessment and collection of taxes which they may deem necessary'."

The Court further says:

"The grant of these unusual powers appears to have been rendered necessary by the peculiar topography of the Parish, and the vast quantity of levees to be made across bayous, and over lands belonging at the time to the public domain . . ."

Prior to the Civil War, and for some years thereafter, the Parish maintained public levees along the Tensas and down the Black, as well as on the Mississippi.

At a meeting of the Police Jury on October 16, 1865,¹⁹⁶ an interesting memorial was adopted, to be presented by the Jury, through A. T. Welch and George W. Green, to Major General Canby, in which it is recited that: "due to the openings made in the levees above us, particularly at Lake Providence and in the vicinity of Vicksburg, by operations of the Federal Military authorities during the last two years, the citizens of our Parish have this year suffered the most disastrous overflow experienced since 1828". The memorial further recited that the four Parishes north of Red River had expended large sums of money anterior to the War in building up their levee systems, Concordia alone having raised by taxation, between 1858 and 1862, over \$600,000, which, with a large amount of borrowed funds, had been expended on her levees, rendering them measurably secure; that owing to the impoverished condition, individual enterprise, Parish exertion and State aid were completely paralyzed; and they prayed the Commanding General, Canby, "that all those idle and unemployed negroes, now being fed and subsisted by the U. S. Government in this Military Department, may be put to building these works." Needless to say, General Canby did not comply with this request.

At the Police Jury meeting of September 10, 1867, a Committee, consisting of G. W. Green, Oren Mayo, Henry Tooley, A. T. Welch and G. G. Russell, to whom had been referred Special Orders No. 30, issued by Major-General P. H. Sheridan, dated New Orleans, August 30, 1867, made a report which was adopted. It appears from the report that "Special Orders No. 30" sought

¹⁹⁶ Minute Book. (All references to Police Jury proceedings are to the Minute Books, unless otherwise indicated. The several volumes of minutes have no identifying serial letter or number).

to enforce the construction of levees under existing laws, "and to cause the levees to be constructed by Riparian Proprietors, the expense to be refunded out of the proceeds of levee bonds, issued by the State". The Committee reported that, in consequence of the plenary powers theretofore vested in the Jury, for the building and control of levees, etc., and the system which had been built up, the general legislative enactments whereby Riparian Proprietors were required to construct levees, had been suspended and rendered ineffectual as to this Parish, and that the Jury had no power to compel compliance with this order; further, that compliance would be impossible, owing to the frequent overflows, wastage, destruction and impoverishment of the War, ravages of the cotton worm, etc., etc.; and that any enforcement of Special Order No. 30 would be confiscatory. That it was extremely difficult to raise, by taxation, sufficient money to pay the interest on the Parish debt and for ordinary parochial expenses. The Committee recommended the reappointment of Levee Inspectors and of a Parish Engineer to make accurate surveys of the crevasses, and of the levees most urgently needing repair, with an estimate of costs, to be transmitted to the Board of State Levee Commissioners, as required by General Sheridan's order.

In the minutes of Police Jury meeting, of October, 1861, we find a report of the Levee Engineer, in which it is stated that on May 30, 1861, the Marengo levee broke, and that on the next evening a crevasse occurred in the new Waterloo levee, on Lake Concordia; and that Lemuel P. Conner, District Inspector, was endeavoring to stop a leak at the time, when the whole breadth of the levee gave way, carrying him with it.

We are indebted to Hon. L. P. Conner of Natchez for additional details of this unusual incident, as he had them from his father, and from James Surget: Surget owned Waterloo Plantation and was present at the time, protesting against keeping his slaves at work on the levee, fearing it would break and some of them be drowned. To assure Surget, Conner went down on the outer slope of the levee, to the water's edge, and to demonstrate its firmness, raised up on his toes and brought all his weight down. It happened that he was immediately over the weak spot, and the jar from his 225 pounds weight caused the shell of earth to give way under him. He went down and just then the levee began to blow out. He was carried along in the rush of waters until he lodged against an obstruction and lost consciousness. Men in the

field ran out and carried him back to the levee. Surget was on the lower or down-river side of the break from where Conner was carried; and he galloped to his residence, procured a bottle of brandy and returned. He threw it across the break, which was then 40 or 50 feet wide. "It landed on the only brick-bat known to be in that part of the world. That bottle was the only casualty!"

At the meeting of the Police Jury on November 6, 1871, a memorial to the State Legislature was drafted, to be presented by Messrs Oren Mayo, Handy Walton and D. L. Rivers, in which the history of Concordia's *antebellum* levee laws and system is set forth, and the expenditure of more than \$1,000,000 by it on levees, and an outstanding pre-war levee debt of over \$300,000 dollars unpaid. That all of these levees, and their control, etc., had passed by Legislative act into the possession of the *Louisiana Levee Company*, and they prayed that the State assume and take over the payment of the old Parish levee debt.

The Louisiana Levee Company, referred to, was one of the carpet bag schemes gotten up to plunder the State. It was chartered in 1871,¹⁹⁷ and the State by Acts Nos. 4 and 27 of General Assembly of 1871,¹⁹⁸ turned over to the Company the building, repairing, supervision and control of all levees in the State, the price for work being fixed at sixty cents per cubic yard. The Company was authorized to issue bonds in advance of work being done; special taxes were levied to be paid over to the Company; and, in addition, \$1,000,000 in bonds of the State were authorized to be issued and delivered to the Company at once. This legislation was designed to turn the State over, "body and boots", to the Louisiana Levee Company.

At the meeting of the Police Jury of July, 1877, a Committee, consisting of Judge O. Mayo, Judge William B. Spencer, Judge Wade H. Hough Sr., General J. Floyd King, George W. Green and Francis S. Shields, was appointed to investigate the feasibility of initiating a movement for the utilization of the State convicts as a permanent force for the construction and repair of levees; and at the October, 1877, meeting the Committee was instructed to correspond with other Police Juries of the State, and to petition the Legislature to that end.

At the Police Jury meeting of July, 1880, a resolution was adopted, in which it was recited that, on account of recent caving of the Marengo levee, the whole northern end of the Parish was

¹⁹⁷ Act No. 4 of 1871, p. 29.

¹⁹⁸ Act No. 27 of 1871, p. 64.

without levee protection; and that it was necessary to locate and build an entire new levee on the South side of Lake Concordia, a distance of about fifteen miles; and Major B. H. Green, Chief State Engineer, was requested to have the new line surveyed and located and cost estimates made.

At the Jury meeting of August 16, 1880, the survey and estimates, above alluded to, were submitted, the amount of money necessary being at least \$25,000, and a special election was called, to be held Sept. 21, 1880, to vote on a special tax levy of twenty mills for the purpose. The election was held, and the tax carried, and at the Jury meeting of September 25, 1880, the result was promulgated; the tax levied and the work ordered advertised for bids. The Supreme Court of Louisiana held, (1881), in the suit of James Surget vs. Chase, Tax Collector, et. als., that the act under which the tax was voted was unconstitutional and annulled the levy.¹⁹⁹

At the Police Jury meeting of April 11, 1882, a resolution was adopted, in the preamble of which is set forth at great length the great flood of 1882, just subsiding, the enormous destruction of property and of the levees, and the inability of the parish and State to effectively cope with the resulting situation; and it was resolved that our Representatives in Congress be urged to support the bill then pending to appropriate \$6,500,000 for the improvement of the Mississippi; and to advocate the passage of acts tending to carry out the plans and recommendations of the Mississippi River Commission.

The Jury meeting of April, 1883, protested against the advocacy of the closing of the mouth of the Atchafalaya and the forcing of the waters of the Red, Black, Ouachita and other rivers through the already partly closed mouth of the Red, into the Mississippi. That the entire closing of the mouth of the Atchafalaya would result in the devastation and ruin of a large portion of our Parish, by almost certain annual overflow. The plans of the Mississippi River Commission for the treatment of the mouths of the Red and Atchafalaya were endorsed; and the commencement of work there was respectfully urged.

At the Jury meeting of October, 1884, a petition of citizens was presented, reciting that the Parish levees had been badly washed out by the flood of 1884; and an election to vote an additional special ten-mill tax was ordered. The tax was defeated.

¹⁹⁹ *Thirty-third La. Annual*, p. 832.

But, at the July meeting, 1885, on a similar petition, an election was ordered held, and carried, and the ten-mill tax was levied at the meeting of November, 1885.

Though the Parish had spent much money in levee construction, the large-scale and systematic building of levees may be said to have commenced with the creation of the Fifth Louisiana Levee District, (commonly called the Levee Board), by act of General Assembly, approved July 2, 1886;²⁰⁰ and the grant by the State to this Board of all undisposed-of "Swamp Lands" in the District, and all lands in the District that had been forfeited or adjudicated to the State for non-payment of taxes; and with power to the Board to issue bonds against its revenues, and to levy *ad valorem* taxes, acreage taxes and "forced contributions" on cotton produced, etc.

At the Jury meeting of July, 1889, Concordia's members of the 5th District Levee Board, J. B. Heiserodt and Wilmer H. Shields, were requested to get the State Board of Engineers to make a survey of the old public levee lines on Tensas and Black Rivers, with an estimate of cost of repairs; and at the Jury meeting of January, 1890, Dr. Samuel P. Hornsby was appointed a Committee of one to appear before the Levee Board, and urge, with our Commissioners, the building by the Board of a levee across Workinger's Bayou.

At the Jury meeting of April 7, 1890, a Committee was appointed to confer with the Levee Board "and endeavor to obtain such portion of the *donation from the Louisiana Lottery Company* as this Parish may be entitled to, for immediate expenditure against impending flood danger."

At the same meeting, a resolution was adopted, viewing with alarm the placing of dams or sills across the Atchafalaya by the Mississippi River Commission, and the further obstruction of the free discharge of the Red and its tributaries to the Gulf, via the Atchafalaya. That such obstructions will interfere with vested rights, and deprive the citizens of Concordia of their property without just compensation. "That we urge our representatives in Congress to use their efforts to secure the divorcing of the Red and the Atchafalaya from the Mississippi, by continuing the levees of this Parish across Red River and connecting them with those of Pointe Coupee, and adopting the Plaquemine Route for navigation, as originally recommended by the Mississippi River

²⁰⁰ Act No. 44 of 1886, p. 56.

Commission." Hiram R. Steel, Francis S. Shields and A. G. Ober were appointed a Committee to present these resolutions to our U. S. Senators and Representatives, and to the Secretary of War and the Mississippi River Commission.

The interior of our Parish consists almost entirely of hardwood timber lands. In the 1880's these timbered lands were of so little value that their owners allowed thousands of acres to be forfeited or adjudicated to the State for delinquent taxes, (as may be said with regard to the other alluvial parishes). On December 15, 1890, the Levee Board sold to S. R. Bertron approximately 38,000 acres of these timbered lands in Concordia, for \$50,000.00 cash. Perhaps that was their fair value at the time. These lands twenty-five years later were worth, conservatively, twenty-five times the price received—probably much more.

At the Jury meeting of July, 1891, the President was authorized to have the hole in the public road on Helena Plantation, *caused by the crevasse* filled. Letters were read from Senator E. D. White and Congressmen Boatner, Blanchard and Robertson regarding the outlook for the passage of the Burrows bill and urging the sending of a Committee to Washington to lobby for the bill.

At the Jury meeting of July 4, 1892, Hiram R. Steel and L. P. Ault were appointed to attend the meeting of the Mississippi River Commission, to be held in New York, for the purpose of making allotments for the building, maintaining and repairing of levees.

At the Jury meeting of August 31, 1893, I. Friedler reported that the Levee Board had declined considering the building or repairing of levees on Tensas and Black River, and at the meeting of October 2nd, 1893, contract was let to McLaughlin Bros. for building the Workinger's bayou levee, at 26 cts. per cubic yard.

At the Jury meeting of October 12, 1903, the following delegates were appointed to attend the Levee Convention, to be held at New Orleans on October 27:

George Scott, W. L. Shaw, D. M. Slocumb, C. P. Claughton, R. T. Clark, D. H. Britton, J. W. Walker, A. B. Learned, J. P. Fagan, J. H. Lambdin, I. Friedler, S. B. Yeager, J. L. Dagg, J. S. Boatner, John Dale, J. K. Skipwith, J. L. Rountree, E. P. Campbell, A. H. Gillespie, R. S. Carter, Dan Snyder, B. B. Parham, J. A. Trisler, John S. Miller, E. C. Rhodes, W. G. Walton, R. L. Castleman, Chas. Pullin, W. H. Hudnall, J. B. Sullivan, A. T. Calvit, W. P.

Campbell, F. D. Brown, B. Y. Wade, William Schiele, R. S. Wilds, D. M. Aiken, C. N. Beard, J. M. Willson, H. B. Nugent, C. B. Burley, P. A. B. Warren, F. C. Green, H. M. Bairnsfather.

At the Jury meeting of April 4, 1910, a resolution was passed placing the Jury "on record as favoring the divorcement of the Red and Atchafalaya Rivers" and John Dale and Judge J. S. Boatner were appointed to present their views to the Mississippi River Commission.

At the meeting of June 3, 1912, the Jury passed a resolution opposing the action of the Levee Board in appealing to the Legislature for authority to issue \$500,000.00 of bonds for levee construction and repair, on the ground that the people of Concordia were not financially able to bear the additional burden; and further, that one-half the area of Concordia could not be protected by levees.

At a meeting of the Jury on June 28th, 1927, a resolution was passed setting forth at length the great flood disaster of 1927, and declaring that "the control of the flood waters of the Mississippi and all of its tributaries is a National problem, and that the sole responsibility therefor should be assumed by the National Government," etc., etc.

While we have had many floods, and it would be impossible and quite useless to mention them all, the more notable ones were those of: 1813, 1828, 1865; the great flood of 1882, the flood of 1884; the great flood of 1912, the floods of 1913 and 1922, and the super-flood of 1927.

Vidalia was entirely overflowed in 1882 and 1884; some of the higher spots in the town remained dry in 1912, while all of the town was under from two to five feet of water in 1927, and Vidalia is the highest spot in the Parish. In 1882, a good-sized steamboat sank in the street near the Sheriff's office.

For many years, the late S. H., ("Harry"), Lambdin served as one of the members of the Levee Board from this Parish, retiring from ill health, and being succeeded by the late Hiram Gregory, who was succeeded by the present incumbent, Ralph Shields. The other membership on the Board was held for several years by Edward C. Rhodes. He was succeeded by J. D. Neal until 1924, when the present incumbent, D. B. Fleming, was commissioned.

We apologize for a dry chapter on a wet subject—but it is all Parish history.

CHAPTER X.

DUELING

In the early days, gentlemen settled their personal quarrels growing out of political or other differences by "the code." In the Creole section of Louisiana, the favorite weapon was the rapier. In other sections, pistols and other deadly weapons were resorted to. The custom was not peculiar to Louisiana; nor were the participants in a duel looked upon as blood-thirsty men, or as criminals. It was simply the attitude of mind of the time that one's personal honor could be vindicated and maintained only in that way; and men in the highest walks of social life fought duels. Refusal to accept a challenge subjected the recipient to the humiliation of being publicly "posted" as a coward.

Gentlemen from Mississippi and elsewhere settled their differences by the "code" on our river bank, probably a little above the place where Mayor Hough's residence formerly stood. In some of the old accounts, the dueling ground is located on the Minor plantation, Palo Alto, which is a little above our town limits; and some famous duels, by men of note, have been fought here.

MAJOR FERDINAND L. CLAIBORNE VS.
CAPTAIN BENJAMIN FARAR:

The first duel of which we have any record took place on November 30, 1806, between Major F. L. Claiborne and Captain Benjamin Farar. Captain Farar was in the military service, and was a participant in the military operations around Natchez in the early days. He was the son of Dr. Benjamin Farar, who died in Pointe Coupee, in 1790. Captain Farar was the great-great Uncle of Honorable Benjamin F. Young, a leading lawyer of Saint Joseph, and member of the Fifth District Levee Board. Captain Farar's sister, Anne Franciska, married Samuel C. Young, great grandfather of Ben Young.²⁰¹

William Bayard Shields was Maj. Claiborne's second, and Capt. Ebenezer Bradish acted for Captain Farar.

We quote from Claiborne²⁰² portions of a letter from W. B. Shields, published in the Natchez Messenger, December, 9, 1806:

A variety of reports have been circulated relative to the affair of honor between Major Claiborne and Captain

²⁰¹ Young vs. Courtney, *Thirteenth La. Annual*, p. 193.

²⁰² Claiborne, p. 374.

Farar . . . The parties met on the *western* margin of the Mississippi, on Sunday morning, the 30th ult. The arms, on our part, were a brace of pistols—on theirs two brace. The friend of Captain Farar wore a dirk.

Agreeable to arrangements, the principals exchanged a shot at . . . ten paces. While charging the pistols for a second fire, the friend of Captain Farar suggested the propriety of a compromise. I informed him that I would receive propositions, but was not authorized to make any. Propositions were made and reduced to writing . . . After a long and deliberate discussion, Major Claiborne finally rejected them, unless Captain Farar would first give assurance that in his advertisement of Jett, he had no intention to wound his private or public character, for that such was the general impression. Captain Farar's friend asked if this was our ultimatum? I answered in the affirmative.

He then said the parties should take another shot. The principals took their posts for a second fire. The friend of Captain Farar, with a pistol under his arm and one in his hand, stood nearer to Major Claiborne than to his friend—I was opposite him. He observed, looking at Major Claiborne, that this business had become serious, and he would shoot the man who acted unfairly. Major Claiborne replied, "If I act unfairly, you are at liberty to shoot me."

I called to order; and desired the friend of Captain Farar to give the word. A second fire took place. Captain Farar's ball passed through the cape of Major Claiborne's coat, and the Major's ball struck Captain Farar under the right arm, and glanced without doing any material injury. My friend assured me that he was unhurt, and asked for the other pistol. Captain Farar's friend desired me to give Major Claiborne a brace of pistols, as the affair should now take a course of which it appeared we were unaware.

I was proceeding to charge my pistol, under an impression that it would be resolved to change the mode of combat, having been authorized by Major Claiborne to adopt any mode which might be proposed. In the interim, and before I reached the place of loading, Captain Farar's friend advanced to Major Claiborne, with a brace of pistols in his hand and under his arm, and apparently in a violent passion, said to him, "You must now fight me," repeatedly tendering one of the pistols, which Major Claiborne rejected, replying that he came there to fight Captain Farar, and that he would do so as long as Captain Farar pleased. Captain Bradish said: "Captain Farar has a family and he shall not fight any more." Major Claiborne remarked: "We both have families." I attempted to interrupt the friend of Captain Farar, but in vain. Astonished at the novelty . . . of such a proceeding . . . I was really at a

loss to know how to act for the moment. By the rules of etiquette, and according to the proposition of the friend of Captain Farar, I would have been warranted in shooting him on the spot. I had not the temper to pursue so sanguinary a conduct. Major Claiborne twice asked me if he should fight him. I peremptorily said: "You shall not, sir." He then advanced to Captain Farar's friend and said: "Now if you are disposed to assassinate me, shoot!" This procedure was so unprecedented, unjustifiable, and violatory of every rule of etiquette, that I determined to take my friend from the ground, and we proceeded to recross the Mississippi

The historian Claiborne says²⁰³ that he did not know of this duel in which his father was a principal until after all the parties were dead. That he frequently had business relations with Messrs. Farar and Bradish and that they were uniformly courteous to him.

CAPTAIN WINFIELD SCOTT VS. DR. UPSHAW:

Our next famous duel occurred on February 10, 1810, between Captain Winfield Scott* of the U. S. Army, later the ranking officer in the Mexican War and Lieutenant General of the United States Army, and Dr. Upshaw.

Captain Scott was no friend of General James Wilkinson, and while the troops were stationed at Washington, (Miss.), in 1809, during dinner at a public tavern there the subject of the "Burr Conspiracy" was broached. Rising, Scott publicly, and very heatedly, denounced General Wilkinson in a most unbecoming manner. He was court-martialed on charges of conduct ungentlemanly and unbecoming an officer, with speaking disrespectfully of his superiors and withholding money from his troops. He was suspended from the service for ten months, with recommendation of the removal of the suspension.²⁰⁴

The duel with Dr. Upshaw was the sequel to this affair. Scott challenged Upshaw, and the duel was fought "on the Louisiana side of the Mississippi River, opposite Natchez, the bluffs on the east side being crowded with spectators, among whom were several army officers. Scott received a painful scalp wound, but the fact that he was willing to defend his honor had a tendency to

²⁰³ *Ibid.*, p. 375.

* General Scott was the nominee of the Whigs for President in 1852 and carried Concordia over Franklin Pierce, Democrat, by a vote of 121 to 86—*La. State Register*, W. A. Bell (1855) p. 141.

²⁰⁴ Shields, pp. 76, 77.

check the rumor," (misappropriation), "so damaging to his character,"²⁰⁵

GEORGE POINDEXTER VS. ABIJAH HUNT:

Perhaps the most famous duel on our soil, on account of the prominence of the participants, its unfortunate termination, and the charges that were subsequently made, was the one between Judge George Poindexter and Abijah Hunt on June 8, 1811.

Poindexter had been Attorney General of Mississippi Territory at the time of the Burr trial; had succeeded Peter Bryan Bruin on the Territorial Bench; was a Delegate in Congress from Mississippi Territory, and, later, United States Senator from, and Governor of, Mississippi. He was one of the strongest advocates in Congress for the admission of Louisiana into the Union.

Abijah Hunt was a resident of Claiborne County, (Miss.), with large mercantile establishments and gins at Natchez, Washington, Greenville, Port Gibson and Big Black, and owned plantations in the section of Concordia known as the "O."

This duel was the result of violent political agitation, and "took place on the grounds of Major Stephen Minor, about a mile above the Post of Concord." The second of Poindexter was William C. Mead, with Jos. R. Peyton as his coadjutor; and the second of Mr. Hunt was Ebenezer Bradish, with Elijah Smith present as his friend.

From the very lengthy account of this duel in Claiborne's History, we quote the "cartel":²⁰⁶

"Wm. C. Mead, on the part of George Poindexter, Esq., and Ebenezer Bradish, on the part of Abijah Hunt, Esq., adopt and agree to the following terms for the meeting about to take place:

1. The ground shall be measured in the presence of seconds, and their principals shall then be placed at ten paces apart from each other.

2. The seconds, in the presence of each other, shall charge two pistols with powder and one ball each.

3. The pistols shall be placed in the hands of the principals at their posts by their respective seconds, and shall be held with the muzzle down.

4. The giving of the word shall then be decided by lot. The second who wins the privilege shall then say, slowly and distinctly—"Gentlemen, are you ready?" If

²⁰⁵ Fortier, Vol. 1, p. 336.

²⁰⁶ Claiborne, p. 372.

both answer "We are", he shall then proceed thus: "One—Two—Three—Fire—"

5. After the word "one" has been pronounced, the principals may elevate their pistols, but if either shall raise it from its perpendicular position *before* the word *one*, the second of the opposite party shall shoot him.

6. If either of the principals shall discharge his pistol before the word "fire," and then attempt to fire at his adversary, the second of the latter shall shoot him down.

7. The parties shall remain on the field until the challenging party shall declare himself satisfied, or until one of the parties shall be too much disabled to continue the fight.

8. A snap or flash of the pistol shall be considered a fire.

June 8, 1811.

(Signed) WM. C. MEAD,
E. BRADISH.

Continuing further from Claiborne:²⁰⁷

"Captain Bradish won the word and gave it. Two pistol shots were heard, and Mr. Hunt received a wound in the abdomen, which in a few hours terminated his life. His death was made a great sensation then . . . and as late as 1815, Mr. Poindexter was accused of firing before the word. As late as December 4, 1815, Judge Elijah Smith says:²⁰⁸

"That the fire did take place before the word 'fire' . . . I do most unequivocally declare to be the fact, and that it commenced with Mr. Poindexter, I cannot doubt. This statement was made by Mr. Hunt's second, and Dr. Duncan, the attending surgeon, in the most positive manner; and what is considered more forcible, by Mr. Hunt *himself* on his dying bed, who declared to me that Mr. Poindexter *did fire before the word*, and thereby drew his fire before he was ready. He confided this communication to me alone, from a delicacy toward his second, it being too late to remedy the evil. These statements are corroborated by another circumstance—Mr. Hunt usually shot remarkably well, and his friend, used to his mode of firing, gave the word. The parties stood with their pistols hanging by their sides, and were to raise at the word one-two-three, and fire at the word "fire". The ball of Mr. Hunt struck a log, some little distance behind Mr. Poindexter, not higher than his knees, Mr. Hunt being only in the act of raising his pistol when he received the ball of his antagonist'."

²⁰⁷ *Ibid.*, p. 372

²⁰⁸ *Ibid.*, p. 372.

Mr. Poindexter denied the charges, publishing a number of affidavits, including that of Col. William Ward, of Kentucky, who affirms that he saw Mr. Hunt as they were carrying him to the landing, and that Mr. Hunt's seconds and friends informed him that he had fallen in a fair fight.

We quote the statement of Duncan McMillan,²⁰⁹ who resided here at the time:

"Mississippi Territory, Adams County.

"I, Duncan McMillan, of the County and territory aforesaid, do certify that in the summer of 1811, I resided in . . . Orleans Territory, and Parish of Concordia, opposite the City of Natchez; that some time in . . . June, as well as I recollect, several gentlemen came to my house . . . whom I was immediately informed was a Mr. Poindexter . . . a Mr. Mead and a Mr. Peyton. The gentlemen made known to me that their object in crossing the river was to settle a difficulty between Mr. Poindexter and Mr. Abijah Hunt, which the parties had agreed to put to the decision of a personal conflict with pistols . . . *After some small interruption given by Mr. Dunlap, the Sheriff of Concordia,* the parties met about 300 yards below my house. Having a desire to see the issue of the fight, I advanced within about ten paces of the spot where it took place. Mr. Poindexter and Mr. Hunt were placed opposite each other, at the usual distance of ten paces. The pistols were then loaded by two gentlemen whom I did not then know, but whom, I was informed, were a Mr. Peyton, who acted for Mr. Poindexter, and a Mr. Smith, who acted for Mr. Hunt. The pistols, after being loaded and cocked, were put in the hands of the parties, by the gentlemen who had charged them. Mr. Bradish gave the word. The fire took place so nearly together, that I could not distinguish which pistol went off first. On discovering that Mr. Hunt had received a wound, I went up to Mr. Poindexter, who continued in the same spot and the same position from which he had fired, until he had leave to quit the ground from the gentleman whom I understood to be Mr. Smith. He then retired, and I went to the place where Mr. Hunt had been taken, and looked at his situation. He was very soon removed across the river to Natchez. During the whole time of my being present, I heard not a word from any person of anything unfair in the firing. The affair seemed to me to be conducted with great solemnity and fairness. After all the gentlemen concerned had left the ground, a Mr. Bridges and myself found the log in which the ball from Mr. Hunt's pistol had

²⁰⁹ *Ibid.*, p. 373.

lodged. We cut it out and measured the probable distance which it must have passed from Mr. Poindexter's body, by one of us taking the position which he had occupied, and then drawing a line, by which we discovered that it passed very near to him, a little above the hip, so that if it had struck, it would have passed through the abdomen. Having no concern in this unpleasant business, I did not expect to be called on, at this late period, for a statement of the above facts. I have, however, given it at the request of Mr. Poindexter, and I am willing to swear to the truth of it if necessary.

December 30, 1815.

(signed) DUNCAN McMILLAN' ”.

In order to close the case, as it were, this author has one more very interesting document to add. He has found in the files in the Clerk's office a yellowed and faded warrant, directing the arrest of Poindexter and Hunt and their seconds, in order to prevent this duel, and it is here published for the first time. It bears out, in one respect, at least, the statement of McMillan:

“The Government of the Territory of Orleans, to the Sheriff of the Parish of Concordia—Greeting:

Whereas, information has been received that a certain George Poindexter and Abijah Hunt are about to fight a duel, contrary to the statute in such case made and provided and that William Mead and Ebenezer Bradish are seconds to said parties—Now, therefore, you are commanded to take the bodies of said George Poindexter, Abijah Hunt, William Mead and Ebenezer Bradish, and bring them forthwith before me, to be dealt with as the law directs.

Given under my hand this 7th day of June, 1811.

(Signed) D. LATTIMORE,
Judge of the Parish of Concordia.

This warrant is endorsed on the back:

“The Territory of Orleans”

vs

Abijah Hunt,
George Poindexter,
William Mead,
Ebenezer Bradish.

June 7, 1811

“Non sunt inventi”

“James Dunlap, Sheriff”.

THE SAND BAR FIGHT

In September, 1827, there took place on our old dueling ground what has ever since been known as "The Sand Bar Fight", and which started out as a duel between Dr. Thomas H. Maddox and Samuel L. Wells,* and ended up in a "free-for-all" fight, in which two men were killed and two wounded. On the side of Dr. Maddox, there were: General R. A. Crain, his second, and Norris Wright, Alfred Blanchard and Cary Blanchard—all of Rapides—and Dr. Denny, his surgeon, of Natchez. On the side of Wells, there were: McWhorter, his second, James Bowie, Richard Cuney, Jefferson Wells and General Sam Cuney—also of Rapides. The trouble seems to have originated in business or political differences between Dr. Maddox and Sam Wells, though there had previously been enmity between James Bowie and Norris Wright, Sheriff of Rapides. The writer has seen an account of this affair in an old issue of the *Times-Democrat*, not now available, and there was an account similar in purport, published in the *Baltimore Sun* of August 28, 1928, and similar to the ones hereinafter given. All of the accounts to which we have had access are from the Maddox side and we are indebted to Hon. G. P. Whittington, of Alexandria, for the use of the material which he has collected, and which includes a statement made by Dr. Maddox and a letter written by General Robert A. Crain to General Joseph Walker.

Dr. Maddox's statement, written in 1880, is as follows:

"I am the only survivor of the twelve persons engaged in the 'Sand Bar Fight', and having seen lately many various accounts of what they call the 'Bowie Sand Bar Fight', and there being little truth in them, I am induced to give a true statement of the affair as I saw it. Some difficulty occurring between myself and General Montford Wells, or for some other cause which I do not recollect at this time, induced Samuel L. Wells to send me a very offensive 'Carte Blanche' which I accepted as a challenge, and it was agreed that we should meet at Natchez and settle the matter, each party leaving Alexandria Sept. 17, 1827. Of my party there were R. A. Crain, my second, Norris Wright, Alfred and Cary Blanchard and myself, being five of us in number. The opposing party were: Samuel L. Wells, McWhorter, his second, James Bowie, Richard Cuney, Jefferson Wells and Sam Cuney, making

* Samuel L. Wells and Thomas Jefferson Wells were brothers of Governor J. Madison Wells.

six of them in number. Having arrived at Natchez, I called Dr. Denny to be my surgeon, who made number six of my party, and making six of each party, and no more. Having accepted the *carte blanche* as a challenge, I directed Col. Crain, my second, to call on Mr. Wells and state my terms and mode of combat, which were: to stand eight paces apart, right side to right side, pistols down, to be raised at the words "Are you ready?" One-two-three—Fire!; the usual way in which gentlemen vindicate their honor. Mr. Wells objected to my terms; assumed that he was the challenged party and had the right to name the terms, as I was informed by my second, Col. Crain. Whereupon, I told Col. Crain to go back and get his terms, as I waived my right, which he did. They were: stand left side to left side, pistols down, and at word "prepare" we were to raise our pistols in an opposite direction from each other, and at the word "Fire", we were to fire as we chose. I fired across my breast. How he fired, I do not know. Two rounds were fired without effect, and the affair was then settled by Mr. S. L. Wells withdrawing all offensive language. We shook hands, and were proceeding to my friends, in the edge of the woods, to take a glass of wine as a cement. Dr. Denny and myself were a few paces ahead of the rest of the party when Gen. Cuney, James Bowie and Jeff Wells came running down to us; General Cuney saying to Col. Crain that this was a good time to settle their difficulty, he, Cuney, and James Bowie, drawing their pistols. Col. Crain saw at a glance how things stood; therefore, he shot the one he thought to be the "Major General" of the party through the breast, as I believe, and so it was said at the time, for Bowie declared he was glad there was so much powder in the pistols, as all the balls passed out. Col. Crain after shooting at Bowie, who had also shot at him, wheeled around and passed over a little wash in the sand-bar, and he and Cuney fired simultaneously at each other. Cuney fell, mortally wounded, and then Col. Crain, with an empty pistol in his hand, turned to meet James Bowie, who was rushing upon him with his famous "Bowie Knife" in his hand; and when, within reach of his arm, he, Col. Crain, struck him over the head with the empty pistol and brought him to his knees. As he arose, I caught hold of him, and he threw me off and faced Wright and the two Blanchards, who had arrived on the field from the edge of the woods. I, at that time, had a pistol pointed at me, but it was not fired, and being totally unarmed myself, I ran to the edge of the woods, a few paces off, to get my shot-gun; and on returning met Mr. S. L. Wells, who said to me, "Doctor, for God's sake, don't do any further damage, for it is all over." On

my arriving at the seat of war again, to my surprise, I found my dear friend, Major Wright, dead, and General Cuney dying from excessive hemorrhage, Bowie badly wounded and Alfred Blanchard slightly wounded. And this was the end of that memorable affair, the "Sand Bar Fight". So there were two killed and two wounded out of the twelve, six on each side, and not, as has been erroneously stated by some writers, six killed and fifteen wounded. Nor were we over at the "Gushing Spring", as has been said, and where I was said to have sent for champagne, brandy and cigars. Some writers have stated that Bowie killed Col. Crain in the melee, and that the duel was not between myself and S. L. Wells. Such contrariety of opinion is, indeed, singular. Col. Crain and James Bowie were not so inimical as has been represented; the only feeling between them was owing to the advocacy of James Bowie to the cause of those opposed to himself and Major Wright. Subsequently, in New Orleans, James Bowie invited Col. Crain to his room, and contrary to the advice of his friends, he went; and upon entering the room, Bowie locked the door and asked Col. Crain to take a seat, where they had their talk, and came out perfectly reconciled with each other."

The letter of Col. Robert A. Crain to General Joseph Walker, dated at Natchez, Oct. 3, 1827, reads as follows:

Dear Walker—

Yours of the 23rd of September, in reply to mine of the 19th previous, received last night, and will now proceed to give you a detailed account of the unfortunate occurrence of the 18th, to convince you that it was not my wish to meet those men. I said to Mr. Wells and his friend, McWhorter, in the presence of Dr. Denny, that there must not be permitted but three of a side on the ground. 'You know that I cannot meet certain men that are on the other side of the river,' (this was at the steam saw mill where we met to make arrangements for the interview between Maddox and Wells). Wells said to me, 'Sir, I know to whom you allude. They shall not be on the ground.' This I took as a pledge of his honor, but, to our astonishment, when we got on the ground, within eighty yards of the spot where the fight took place, there stood Jim Bowie, Sam Cuney and Jeff Wells. Dr. Maddox asked Dr. Cuney what they were doing there. He replied: "They will not approach any nearer." The affair proceeded, and after two shots apiece, the matter was honorably settled to both, Sam Wells withdrawing his *carte blanche* and all offensive language previously applied to

the Doctor. I will now remark for Sam Wells that his conduct seemed highly honorable and that of a gentleman. He proposed that we should go up to the willows and take a glass of wine. I observed immediately: "No, Mr. Wells, you know that I cannot meet certain gentlemen that are there, but let us go down the river to our friends" (who were during the fight at least a quarter of a mile off, but who were then approaching, as a servant had informed them of the result), "and drink and bury the hatchet." "Agreed, sir," said he; and after collecting the pistols that were used, a brace of which I gave to the boy, the others I held, one in each hand, well loaded, of course. We proceeded down the river, angling across the Sand Bar, and having Bowie, Cuney and Jeff Wells immediately at right angles from where we started under the willows. They started and ran down the hill and in a quick running walk intercepted us, or rather me. Drs. Denny and Maddox were some ten or fifteen steps ahead, Maddox entirely unarmed. Cuney remarked: "Now is the time to settle our affair," I think, swearing at me at the same time, and commenced drawing his pistol. I drew away from him. Sam Wells got hold of him, and Dr. Cuney got immediately between me and his brother, so that I could not shoot at him then. Bowie, at the same time, was drawing his pistol. I drew away at him. He says now that I did not touch him but drew his fire. I shot him through the body as he is shot. I could not miss him, shooting not further than ten feet and the object is to excuse his conduct for killing our poor friend. I wheeled and jumped six or eight steps across some little washes in the sand bar and faced Cuney. We fired at the same moment. His bullet cut the shirt and grazed the skin on my left arm. He fell. Jim Bowie was at that time within a few feet of me, with his big knife raised to lunge. I again wheeled and sprang a few steps, changed the butt of the pistol, and as he rushed upon me, I wheeled and threw the pistol at him, which struck him on the left side of the forehead, which circumstance alone saved me from his savage fury and big knife. At that moment, Major Wright and the two Blanchards rushed up. Bowie sheered off to a leaning stump, by which he took a stand. Wright and Bowie exchanged shots at about ten paces, without any chance of Wright hitting him, he behind the log, and the other exhausted by running at least a hundred yards. He shot poor Wright through the body, who exclaimed, "The damned rascal has killed me," and then rushing upon Bowie with his sword cane, who caught him by the collar and plunged his knife into his bosom. At that moment Wright shot Bowie in the hip, who fell instantly. Wright wheeled, made a lunge at him, and fell over him dead.

Hostilities then ceased. They say that I fired three pistols—I had but two. When I fired the first at Bowie, I dropped it to cock and use the other on Cuney, and when I threw the pistol at Bowie I was completely unarmed, without even a knife. They say we ran. Yesterday morning, upon receipt of your letter, I went in company with three other gentlemen to the ground, and I pledge my honor that the fight took place in an area of less than thirty yards square, as the blood where Cuney fell, and where Bowie and Wright fell, which is still there, proves. There could be little running in the small place. I set immediately about getting certificates, which shall be headed by a statement of my own and Maddox . . . ”

This affair is notable for a number of reasons. Two of the participants, Crain and Blanchard, were both grandfathers of the late Newton C. Blanchard, Governor of Louisiana.

And James Bowie has a colorful history. The two brothers, Rezin and James Bowie, were not, as so many Sunday-supplement “feature writers” have pictured them, irresponsible, uncouth and desperate renegades and blood-thirsty bulldozers. They were scions of a fine old Colonial Maryland stock,²¹⁰ coming, at an early day to Catahoula Parish, and then moving on to the Attakapas country, where Rezin engaged extensively in cattle raising, and was a man of means.

The “Bowie” knife was not invented with homicidal intent, though it acquired great notoriety and popularity after the Sand Bar fight. It was invented by Rezin Bowie as a hunting knife, and for the skinning of cattle, and was made by his blacksmith, Jesse Cliffe.

James Bowie engaged in no other known duel. A large, blond, sandy-haired man—reckless it is true—he was equally at home in the drawing rooms of the socially elect and the rough camps of the Texas filibusters and revolutionists. He had first gone into Texas with Long, and was back and forth for fifteen years. In Texas, he married Ursula Veramendi*, daughter of the Vice-Governor, and he established his family in a fine house at Saltillo.

²¹⁰ *The Baltimore Sun*, August 28, 1928; *Harper's New Monthly Magazine*, July, 1928.

* Mrs. Effie Harrison Snyder, widow of the late Robert H. Snyder, Lieutenant Governor, in an interesting article copied by the *Tensas Gazette*, May 8, 1931, from the *Port Gibson Reveille*, discounts this marriage, although there is ample reliable historic authority for it. Mrs. Snyder says that she was intimately acquainted with the daughters of Rezin Bowie, Matilda and Elve, and other descendants of Rezin, now living in New Orleans and elsewhere, and that there was never any knowledge or tradition in the family that James Bowie married in Texas. Mrs. Snyder is connected, through the marriage of a sister, with the Rezin Bowie descendants.

His wife and their two children died, and when the Texans revolted against the Mexicans, he joined the revolution.²¹¹

He was the friend and confidant of Stephen Austin, and at San Filipe de Austin he met Sam Houston—a man whose career places him in that little coterie of perhaps a half dozen of the most remarkable characters in American history. Bowie was the trusted lieutenant of Houston, and at Mission Concepcion, with ninety men, he administered a crushing defeat to a force of four hundred Mexicans, commanded by General Cos, brother-in-law of Santa Anna.²¹²

Bowie, and Col. W. B. Travis were in joint command of the Alamo, at San Antonio de Bexar, which the Mexicans carried by assault on March 6, 1836, slaying the defenders to a man. James Bowie and the other defenders of the Alamo have been immortalized, in so far as that is in the power of man to do, by the State of Texas.²¹³

JOHN T. BOWIE VS. COL. W. NICHOLS.

The following incident did not occur in our parish, but as it may be confused with the Sand Bar fight, we give it here. One Col. W. Nichols had an altercation with *John T. Bowie* in a Natchez hotel.

Following this, on April 28, 1838, Nichols challenged John Bowie to a duel, naming the 10th of May, at eleven o'clock as the time, and the Arkansas shore of the Mississippi River, opposite Princeton, as the place where he would repair with his seconds.

Bowie, with his friends, repaired to Princeton at that time, and he, having the choice of weapons, stipulated that they should be Bowie knives, with 10¾ inch blades, and that the participants should be dressed in summer pantaloons, shirt and vest, not thicker than ordinarily worn. Nichols refused to fight with Bowie knives, so the fight did not take place.

A three-column account of this affair, signed by John T. Bowie, quoting the correspondence between them, and containing very severe denunciation of Nichols as a coward, etc., appeared in the Natchez Daily Courier of May 16th, 1838. This old

²¹¹ James, Marquis, *Sam Houston*, p. 191. *DeBow's Review* for October, 1852, Vol. 13, p. 378. *The Bowies*, by Dr. A. R. Kilpatrick.

²¹² *Ibid.*, pp. 215, 220.

²¹³ *Ibid.*, p. 228.

paper was loaned the writer by the late Allen Bowie, of Natchez, who was a great-nephew of John T. Bowie.

CHARLES N. ROWLEY VS. JUDGE BARNABAS G. TENNEY.

On the 6th of September, 1841, Barnabas G. Tenney, District Judge of Concordia Parish, and a resident of Vidalia, was killed in a duel with Charles N. Rowley. The writer has seen a contemporary account of this duel in an issue of the Concordia Intelligencer of that time, but it is not now available.

Judge John Dale, who also had a contemporary account of it, recalls that the duel grew out of some action by the Judge in the trial of the separation suit which Mrs. Rowley brought against her husband,²¹⁴ (she had theretofore been Mrs. Francis S. Girault, from whom she was divorced).

Judge Tenney made his will on the same day that he was killed, and he named as his executors: Sargent S. Prentiss and Gen. John A. Quitman, of Mississippi, and Henry Lewis, of Madison Parish. From the will,²¹⁵ we find that he bequeathed to Prentiss his "lounge or cushioned chair," and to his friend, Walter Byrnes, of Natchez, his "dueling pistols and case." Judge Dale recalls that Prentiss was Judge Tenney's second in the duel. Resolutions in respect to the memory of Judge Tenney were adopted by the local Bar Association²¹⁶ on Dec. 14, 1841.

From Hon. Lemuel P. Conner, of Natchez, and other well-informed citizens, we learn that there were other and later duels on our old dueling grounds but we have no details of them, and this chapter is becoming unreasonably long. As we gaze from our office window, our vision sweeps over this ancient "field of honor"—there is nothing of interest; merely a river flowing by with a lazy and laggard current, and an immense levee paralleling it, and in between a wide shelf of glittering white sand, losing itself in a grass-covered slope, dotted here and there with a few old cotton-woods. Ghosts? Perhaps—why not?

The Constitution of 1845, contained the following article:

"Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send a challenge to fight a duel, either within the State,

²¹⁴ Rowley vs. Rowley, 19th La. Reports, p. 557.

²¹⁵ Original Succession Record, Docket No. 541-A.

²¹⁶ Original document, miscellaneous papers—Archives.

or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution"; and

Under the Constitution of 1852, it was further provided that:

"Any officer guilty of sending or accepting a challenge to fight a duel shall *ipso facto* be deprived of his right to longer hold office."

All officers, in qualifying, were required to take oath that they had not transgressed these inhibitions of the Constitutions. As the custom of dueling died out, these provisions were dropped from later Constitutions, and that portion of the official oath is relegated to the attic of useless and forgotten things.

(To be Continued)



JOHN McDONOGH—SLAVE-OWNER

By LANE CARTER KENDALL
New Orleans, La.

I

✓
HERE and there, as one walks about the streets of New Orleans, he will come across a brick building in the complicated, over-ornate style of architecture in vogue at the height of the Victorian epoch. There are not so many such nowadays that one can pass by a typical example without remark, especially one which, like the majority of those we have in mind, shows the marks of age and hard usage. A moment's study will be rewarded by the discovery on the facade, curiously wrought out in projecting bricks, of the words, "McDonogh School," and a numeral. There are some twenty-nine McDonogh schools in New Orleans today, only a few of which, however, survive in the form in which they were originally constructed. The rest have been made over and modernized, and in some cases entirely rebuilt. It thus happens that, to come across one of the original McDonogh schools is nowadays something of an experience. One gets from them a vivid and somewhat disturbing impression of the taste which must have prevailed in the community fifty or sixty years ago, when the McDonogh fund at last became available and was utilized for the erection of the first of the city's free public schools.

The McDonogh schools will long remain the most characteristic memorials which we have of one of the most useful, howbeit one of the most singular, of our citizens. John McDonogh was not altogether a lovable man. If it were not for his post-mortem benevolences, his memory would long ago have been consigned to the oblivion which has overwhelmed so many of his more amiable contemporaries. But his legacies to New Orleans and Baltimore, given to establish in each of those cities a system of free schools, have insured him a kind of immortality. In consideration of the great good that has flowed from those gifts, much that would otherwise seem harsh and miserly in the old man's character has been condoned.

There is, however, another reason why the asperities and unloveliness of McDonogh's personality should not be insisted upon, or so it seems to me. I mean, his interest in slaves and slavery, and his efforts to mitigate the sad lot of those negroes who belonged to him. It cannot be said that McDonogh showed himself recklessly generous with these unfortunates, or that his conviction that slavery required reform ever led him to meditate any serious assault upon the South's "peculiar institution". Yet, viewed in the light of his time, or from the standpoint of his own experience in life, what he did showed an enlightened mind and a just and sympathetic heart. The facts in the case may, perhaps, not be altogether new, but it seems to me that a useful purpose will be served by isolating them from the remainder of his biography.

There is a little, well-kept cemetery in a suburb of New Orleans, not far from the landing place of the Napoleon Avenue ferry, on the west bank of the Mississippi river; in the midst thereof, is an imposing marble tomb recently repaired and cleaned. The inscription engraved upon this structure covers all four sides. That part carved on the front slab reads as follows:

Sacred to the memory of
JOHN McDONOGH
born in Baltimore, state of Maryland,
Dec. 29, 1779,
died in the town of McDonogh, state of Louisiana,
Oct. 26, 1850.

Here, then, in this unfrequented spot, the mortal remains of the donor of the public school system of New Orleans were first deposited. In 1864, they were removed to Baltimore, and interred there in Greenmont Cemetery, along with the other members of the McDonogh family, on the spot where now stands a handsome monument erected to his memory. The cenotaph in McDonoghville, however, is still kept in good order at the expense of the New Orleans School Board; which has become the custodian of the fund established by McDonogh for the benefit of the children of the city. The spot has a special significance for one interested in the story of the philanthropist's relations with his negro dependents; for this little cemetery was originally laid out by his order for their use; it was here that he "used often

to preach to his slaves"; and when his body was finally laid to rest within its precincts it was done in accordance with his own request that his ashes might repose amongst those of old and faithful servitors, beloved friends in spite of the difference in race and social status.

In order to approach sympathetically the subject of this essay, it is necessary that we review briefly the biography of this curious and interesting man. As the inscription quoted above states, McDonogh was born in Baltimore in 1779. Regarding his ancestry we know little, except that he was the sixth child of a parent likewise named John, a native of York County, Penn.

Young McDonogh was given a good education and was placed, while still a youth, in the great mercantile house of William Taylor, one of the most important establishments of its kind in Baltimore. The circumstances under which he came to New Orleans were interesting. Before he had attained his majority, he had won the confidence of his employer and was entrusted with responsibilities very exceptional in the case of so young a man. Taylor carried on an extensive trade with Europe, the West Indies and the South American countries. McDonogh was sent out repeatedly as super-cargo on Taylor's vessels.

In 1800, he was sent in this capacity on a vessel bound for Liverpool, with instructions to load her, after disposing of her initial cargo, with merchandise suitable for Louisiana, and to proceed without delay to New Orleans. He obeyed his instructions with the resourcefulness and initiative characteristic of the man at every period of his career. On his way up the Mississippi river, the ship was becalmed. McDonogh had himself put ashore about twenty miles below New Orleans, hired a horse, and hurried up to New Orleans. This was on the afternoon of October third, 1800, and night was falling when he entered the city with which his life was not long after to be definitely identified. When the ship arrived, the master found that the enterprising super-cargo had disposed of practically the entire load. He rented a store, removed the remainder of the cargo to it, and sold it at a profit. He loaded his ship with Louisiana products, and on returning to Baltimore was greeted with congratulations by his employers, delighted at the success of his enterprise. All that, before McDonogh was 22 years of age!

It was, however, in 1804, that he determined to make New Orleans his permanent home. He returned to the city on a voyage similar to the one above described, but this time he had an interest in the enterprise, and met with even greater success. He soon became a prominent figure in the community. He made contracts with the Spanish officials to furnish goods for all that part of their possessions east of the Mississippi and in the Floridas. The manner in which he carried out these arrangements gave entire satisfaction.

Between the years 1803 and 1805 he was joined by an intimate friend, Shepard Brown, with whom he had once been associated in Taylor's establishment. With this one-time fellow clerk, McDonogh formed a partnership under the name of J. McDonogh, Jr., and Company. The firm prospered from the start. After the battle of New Orleans, Brown died. McDonogh attended to the settlement of his affairs, and then carried on the business in his own name. He was now recognized as a man of real commercial genius. At no subsequent period were his gains so large or so rapid. It was at this time that he began to acquire the real estate which was the backbone of his immense fortune. In 1815, McDonogh was one of the defenders of New Orleans against the British, acquitting himself, according to the accounts printed at the time of his death, with great gallantry.

Four years later he changed his residence from New Orleans to a place on the opposite side of the Mississippi, where he owned a large tract of land. There are many stories regarding his reasons for abandoning the brilliant social life which then prevailed in New Orleans, and in which, with the ardor characteristic of his years, he had permitted himself to take a conspicuous part. A man of his wealth, position, and distinguished prospects was naturally well received even in the most exclusive circles. He had maintained since 1809 a large establishment at the corner of Chartres and Toulouse streets, magnificently furnished, with coaches and horses, where he entertained lavishly. His dinner parties were attended by the most important people in the city. Now he suddenly and apparently without justification withdrew from all these gaities. Gossip undertook to provide an explanation. Of course there were tales of disappointed love. Those who claimed to know whispered that it was because he had failed to win the hand of the young, red-headed, and more or less at-

tractive daughter of Don Andrés Almonester y Rojas, at that time the richest man in Louisiana.

Others said that his decision was due to the fact that his suit had been rejected by a certain Mr. Johnson, also a Marylander, who had established himself in New Orleans in 1814 and had a pretty young daughter just entering womanhood, a charming girl, superior in every way to Micaela Almonester except in dowry. McDonogh never gave any corroboration to either theory.

If his heart was concerned in the case of Micaela Almonester, it must have been a strangely susceptible organ; for when the young Scotchman retired to the lonely spot afterwards called by his name, the Spanish magnate's only daughter was not more than seventeen years old. It is a trifle difficult to imagine this staunch Protestant, of Scotch descent, falling in love and forever after grieving over the disappointment.

The case is rather better for Susannah Therese Stith Johnson. She was a Catholic, and, according to the old stories still circulated in New Orleans, would have been glad to marry the prosperous young business man, but the match was broken off on religious grounds. She went into a convent; and many years thereafter John McDonogh, in his blue buff coat and carrying his green cotton umbrella, went on New Year's Day to call on her. She was Mother Superior then. Every year following, on the same day, he called; and Sister Angela received him, and they talked of the weather and the crops. Probably deep down in the hearts of these two people, now grey and wrinkled, there were questions and answers that never crossed their lips. Sister Angela outlived McDonogh by many years, passing away at last about the year 1870.

The real reason for his removal to McDonoghville was not at all romantic. It was dictated partly by his growing absorption in business affairs, the decay of his interest in merely social life, and the orders of his physician—the latter most of all. It appears that McDonogh had developed a disease which, while not at all dangerous, was painful and annoying, and might, if he persisted in his then habits of life, have developed into something serious. His physician told him that if he continued in his present mode of living, he would not survive many years. So with the decision which was a vital part of his make-up, he determined to abandon New Orleans, its cigars and wines, its Lucullan banquets and

late hours, and all that sparkling life which seemed to constitute so grave a menace to his future.

When, in March, 1819, McDonogh definitely established himself at McDonoghville, he did not move into shabby quarters, as has often been said. As a matter of fact, anticipating the change in his habits, he had acquired some years before a plantation house on an estate immediately adjoining a piece of land which he had previously purchased. This building was a two-story structure, "bricked within posts", as the term went in those days; that is, a sort of half-timbered house of the curious style developed by the French in colonial days. It stood at a distance of about a quarter of a mile from the river bank and there were gardens in front and rear. Many years later it was carried into the Mississippi by the caving of the bank there; but McDonogh, realizing that some such fate was bound to overtake it, had already constructed, somewhat further away from the river, two brick buildings which might serve as wings to the future residence which he somewhat hazily planned eventually to erect between them. It is sometimes said that this projected mansion was never built, because the purpose of it was gone. It was conceived as a bridal gift to his wife, who never was to be. Perhaps, he kept silent about that, too. He was a Scotchman, and one could hardly expect him to wear his heart on his sleeve, or to entrust his confidences to any person whatever.

At any rate, what may have been intended as the home of a bridal couple—identity of spouse being unknown, as aforesaid—became the retreat of a recluse and miser; or such he was called by the people of the city. He did not precisely abandon New Orleans. He went there practically every day. His attorney was the famous Christian Roselius. He kept in constant touch with him. He had an office in the city. He came and went about the streets, a familiar, if rather forbidding, figure, known to everyone; as time went on, and he became more austere in appearance, it was not infrequently the case that the gamins hooted at him, or older people, who ought to have known better, made unpleasant remarks intended for him to overhear.

It was in the northern wing of his "palace" that the future millionaire took up his abode in 1819. He occupied as his quarters three rooms on the second floor. He took with him across the river expensive sets of furniture, and accessories of all sorts.

It is supposed that the value of his equipment thus transferred was about \$10,000. These articles were distributed throughout the rooms, and then sealed away from human eyes. Twenty-five years later, after the owner's death, these places of storage were opened, and the once costly furniture was found to be completely ravaged by time. The stuff was sold, and brought only \$350. This is one of the few instances of wanton waste which McDonogh permitted himself.

When McDonogh went into the seclusion of his "castle", he was not yet a full-fledged miser. He surrounded himself with all the comforts which a fairly Spartan nature cared for. He ate well—indulging especially in cold meats, which were his favorite viands, and the choicest of coffees and milk. His cellar was well stocked with wines, but it is generally believed that he never touched these articles except when he had guests to dinner. He had many slaves. All the labor on his plantation, which was very large, was performed by these people. In one part of the estate, they were occupied with making bricks; in another they engaged in agriculture; and in a carpenter shop which was constructed on the place, others took care of the thousand and one minor casualties which befell agricultural equipment.

It was in this carpenter shop that the famous row-boat, in which the old philanthropist was ferried over to the city every day, was constructed. It was supposed that this means of transport was utilized to avoid paying ferry fare, but in reality the boat was used to save the old man from the long walk between his home and the landing place of the commercial boat. In 1835 a steam ferry—the first!—was established between New Orleans and the west bank of the Mississippi. McDonogh had a financial interest in the enterprise, as he had in almost every other business venture in New Orleans and its vicinity in his time; but he never used the ferry. Not even the most tempestuous weather could prevent him from crossing the river in the skiff, to fulfil any engagement which he might have made. It is said that he even had himself rowed across the river when the steam ferry hesitated to venture out.

The principal source of revenue from the plantation, in spite of its various shops and work places, was derived, not from their products, but from the sale of vegetables. The produce of the farm was daily sent across the river to the French Market, where it was sold at retail. We can gather some idea of the size of the

McDonogh agricultural enterprises from the fact that it is said the profit from these sales amounted to from \$400 to \$700 per week.

And this brings us back to the subject of this paper—John McDonogh's relations with his slaves. Let us say, at the very beginning, that most of our information regarding the treatment of the slaves in New Orleans is erroneous. We have been led to believe by interested writers that the negroes, who before the Civil War, were employed in the fields on the plantations near the city, suffered hardships of the most terrible order, and were the butt of the master's anger, whenever that emotion might be aroused, even by the least important infraction of a complicated and onerous code. Such does not seem to have been the case generally, and still less was it so in the case of the blacks in McDonogh's possession.

He was a Scotch-Irishman; that is the equivalent of saying that he was a hard-headed business man. And in order to obtain the greatest amount of work from his slaves, he treated them well. It was his business acumen, as much as anything else, that led him to form the plan of manumission which has been of such interest to all the students of McDonogh. But he was not in advance of his times in his personal relations with the negroes on his estate. He owned slaves—hundreds of them. He did not live in the legendary state of the miser, because, according to the account of his friend, an auctioneer named Barnett, he kept five or six around the house as his personal servants. Barnett recalled that the domestics were always nicely clothed, and the immediate attendants upon the master always received the same fare at meals as himself, with the single exception that the blacks used "long sweetening" for their tea and coffee. And it is quite possible that the servants preferred the flavor of molasses to the sugar which was used by the old man.

Another point which we should, perhaps, develop, in some detail concerns the length of the working-week exacted by McDonogh. He was a rather pious old man, as Scotch Presbyterians go. According to the custom of most slave owners, the servants worked six full days, and were free to do as they pleased on Sundays. Naturally, in the course of the week, the slaves found that there were certain necessary tasks which they had to perform as heads of families. This violation of the Sabbath troubled him greatly. He pondered the matter thoroughly,

and finally reached a decision really momentous in the light of his later achievements. He determined to require only five and a half days of work, leaving the slaves free to perform their chores during Saturday afternoon, on condition that they would not do any of these things on Sunday.

This little matter may not seem especially significant by itself, but the donation of the Saturday afternoon to the slaves set the old man to thinking along another track. Why not let them buy their freedom? This was a very happy thought. McDonogh proceeded to work out a wage scale according to which he agreed to pay the men sixty-two and a half cents a day during the summer, and fifty cents in the winter. The women, whose work was naturally less productive, were to be paid fifty cents a day during the summer, when the days were longest, and they could accomplish the greatest amount of labor. In the winter they were handicapped by the lack of daylight, and so could not do as much. They were to receive thirty-seven and a half cents a day while this season continued. At this rate, through special effort on their part, they would be able to purchase their freedom a day at a time, until they owned the entire week, which meant independence and freedom.

Because of the limited time available at the beginning of their service, it took the negroes a long time to purchase their half of Saturday. But this once accomplished, they moved up progressively until they had a half week of their own time, and then it was only a matter of a relatively short period until they were free.

(To be continued)

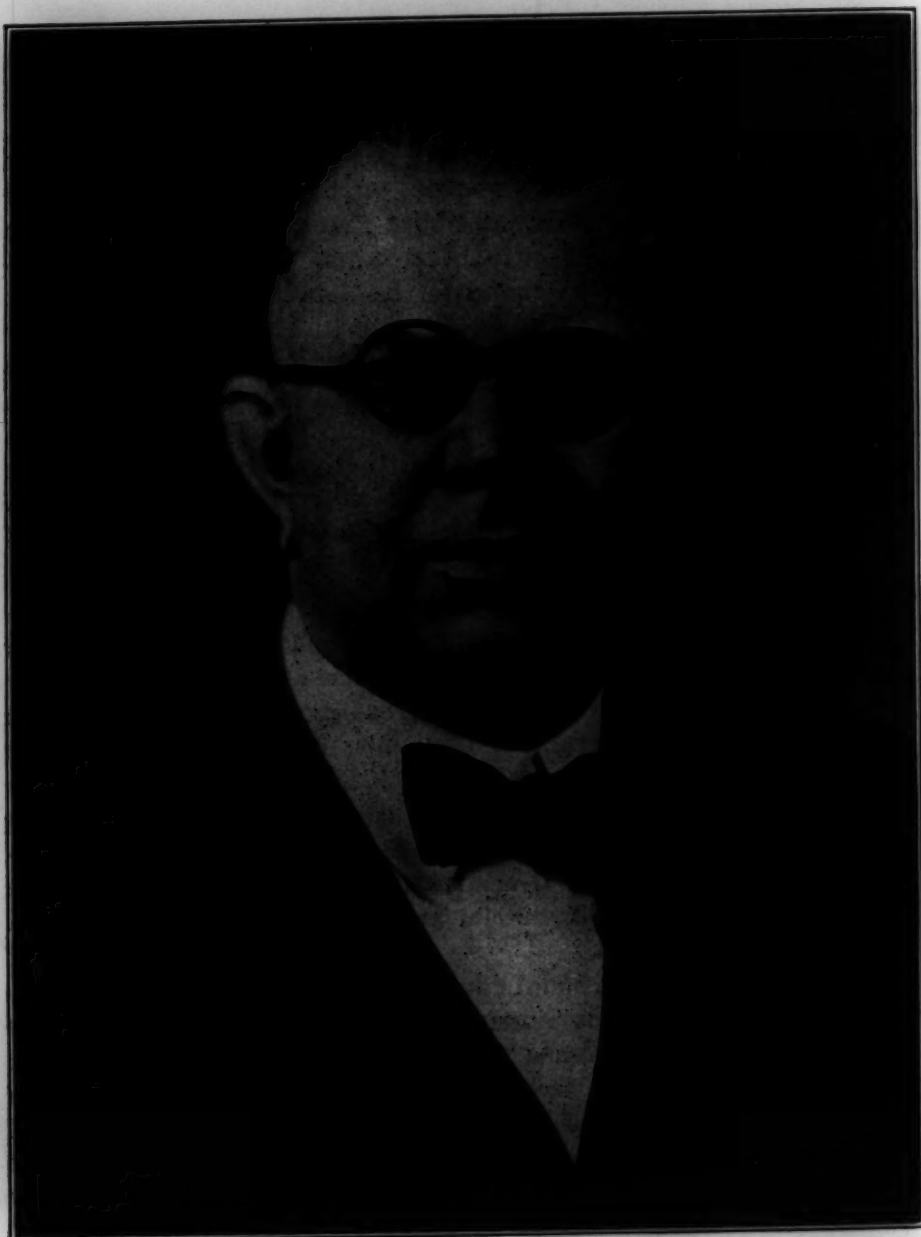


GEORGE PURNELL WHITTINGTON

THE editor announces with deep regret the death of George Purnell Whittington, member of the Advisory Editorial Board of the Quarterly and Vice President of the Louisiana Historical Society for Central Louisiana, which occurred suddenly at his home in Alexandria, Louisiana, during the early morning hours of Wednesday, August 31, 1932. He had been enjoying apparent good health and was engaged in his usual duties of legal practice during the previous day, leaving his office at the close of the day in his accustomed good spirits. He was alone during the evening, Mrs. Whittington being at the bedside of her father who is gravely ill in New Orleans. His death, apparently caused from apoplexy while asleep, was discovered by a servant the following morning.

Mr. Whittington was the son of Judge William White Whittington and Emily Walker, members of old and widely known Rapides parish families. His father was a distinguished member of the bar of Alexandria, and his great-grandfather was Joseph Marshall Walker, Governor of Louisiana from 1850 to 1853. He was born in Alexandria on June 30, 1881, and made his home there during his entire life. He was educated in the local schools and later attended Tulane University of Louisiana, being admitted to the bar in 1901. He immediately began the practice of his profession at Alexandria, and continued actively engaged therein until his death.

Early in his professional career he became a student of Louisiana history, collecting numerous volumes and rare documents and at his death possessed the best library on this subject in central Louisiana. His tireless research led to the discovery of a portion of the Journals of Dr. John Sibley, garrison physician and Indian Agent at Natchitoches in 1803-1815, author, and confidant of President Jefferson. This document Mr. Whittington edited for publication in the Quarterly in Volume 10, Number 4, 1927. In January, 1928, he became a member of the Advisory Editorial Board of the Quarterly and at once entered actively upon its duties, constantly on the alert for original material for publication, actively assisting and consulting in the selection and revision of manuscript, and carefully working upon his own contributions. In Volume 13, Number 1, 1930, appeared his sketch of the life of



GEORGE PURNELL WHITTINGTON

Thomas Overton Moore, the Secession Governor of Louisiana, whose home was in Rapides Parish, which accompanied a series of letters of Governor Moore written during his administration, and another in Vol. 14, Oct. 1931, p. 488 from the same collection on the Disloyalty of the Slaves in 1863. At the time of his death he was preparing another series of letters of Governor Moore for publication. He also had in contemplation the editing of an order book of the Confederate Army in North Louisiana during Banks' Campaign up Red River, and of a series of letters of Governor James Madison Wells, another distinguished Rapides citizen, accompanied by a sketch of his life.

The work upon which he had spent most care, and which he most enjoyed, was his History of Rapides Parish Before the Civil War. For this he had collected material for years, made numerous notes and outlines, written much of the manuscript, which he had frequently and painstakingly revised. One of his last duties just a few days before his death was the correction of the proof for the first instalment of this manuscript which appears in this number of the Quarterly. The entire history, however, is not complete, as he contemplated completing it as the instalments were published. It is hoped that other members of the Board will be able, with the assistance of Mrs. Whittington, who was deeply interested in this work of her husband, to complete the major portion of the History for publication.

This brief resume indicates the great loss the history of Louisiana has suffered in the death of this rare and accomplished student. His indefatigable industry and vast enthusiasm marked him as one who eventually would have filled the gap in the annals of Central Louisiana. That region has always held a definite place in the history of the State and the study of its origin and development was pursued by Mr. Whittington with all the ardor of a lover and all the loyalty of a son. It has unceasingly furnished leaders in political and civic policy. Economic, industrial and agricultural advancement found here its finest examples. The social life of its people during more than a century was of peculiar value to our system. Mr. Whittington's ambition to supply these elements led him to investigate the sources at the fountain head and his studies carried him far afield. No labor was too great, no journey too exhausting in this pursuit.

He was not selfish, his vast accumulations were always at the service of fellow students, and he would join in their labors with

an enthusiasm for their success that linked him with hooks of steel to all who came in contact with him. He was a dynamic leader, communicating to others the enormous energy of his own soul and inspiring them with his faith in the greatness and grandeur of his State. The Commonwealth mourns the passing of this splendid Louisianian. The Editorial Board of the Quarterly suffers even more keenly, and the Louisiana Historical Society laments his loss.

Mr. Whittington was a devout member of the Roman Catholic Church, liberal and tolerant in his views. He was a close personal friend of the late Bishop Van de Ven of the Alexandria Diocese, and with him was deeply interested in procuring the marking of the site, near Robeline, in Natchitoches Parish, of the Mission San Miguel de los Adais 1717-1787, the only Spanish Mission within the present limits of Louisiana.

He took an active interest in civic affairs of his city, parish and state, but never sought public office. He chose rather the quiet life of a student and the civil practice of law for a select clientele. Genial and social in his disposition, his greatest pleasure lay in entertaining friends in the quiet dignity of his home. His wife is Mary Thomas Whittington, daughter of Dr. J. N. Thomas, for many years Superintendent of the Central Louisiana Hospital at Pineville. They have no children.

He died as he would have preferred, in the midst of active work. In the evening shadows he lay down to rest, and when he awoke it was to behold the morning of God's eternal day.

J. F. H.

H. P. D.



**RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LV.**

May, 1746.

(Continued from July, 1932.)

By HELOISE H. CRUZAT.
Marginal Notes by Henry P. Dart.

Memorandum by Editor of the Quarterly

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this installment of the Index, viz:

Le Normant, Sebastian Francois Ange, First Judge and Commissaire Ordonnateur	Raguet, Jean Baptiste, Councillor
Henry Nicolas, Notary and Clerk (Greffier)	Prat, Jean, Councillor
Fleuriau, Francois, Procureur General	Le Bretton, Louis Cesaire, Councillor
Chantalou, Augustin, Sheriff	La Freniere, Nicolas Chauvin de, Councillor
Lenormand, Marin, Deputy Sheriff	Fazende, Jacques, Councillor

May 2, 1746.
11½ pp.

Chantalou vs. Dubreuil.
To recover salves belonging to estate of Bernard Diron Dartaguet.
See answer of Dubreuil, May 7th. Other papers May 10th and 30th.

Petition to Superior Council by Augustin Chantalou, acting under procuration of Charles (des Granges) husband of Dame Félicité Rivière, widow of Bernard Diron Dartaguet, for citation of Sieur Dubreuil for return of slaves, and that he bear costs, damages and interest, without prejudice to other rights, actions and pretensions.

Signed: Chantalou.

May 2. Permit to cite before Council at its next session.

Signed: Raguet.

May 10. Notice of citation served on Sr. Dubreuil by Sheriff Lenormand.

May 3. 31½ pp.

J. B. Prevost, agent vs. Vincent and others.

Petition to Superior Council by Jean Baptiste Prevost, Agent of the Company of the Indies, substitute for affairs intrusted

Suit on a note for 1394 piastres made by Vincent and endorsed by Gallot, Tarascon and Blanpin.

to Mr. Lassailly for citation of Sr. Vincent for payment of a note for 1394 piastres, interest and costs, and also for citation of Gallot, Tarascon, and Blanpin who endorsed them. (There were three notes amounting to above sum.)

May 3. Order of citation before Council at its next session, signed: Raguet. May 3. Notices of citation before Council served on Sieurs Vincent, Gallot, Tarascon and Blanpin, by Lenormand, Sheriff.

Note: This may be meant for d'Assailly, purchaser of the Concessions with Sr. Favre Daunoy. He was in Santo Domingo most of the time, where he had a plantation. See La. Hist. Qy., 585-646 (1928).

May 3. 2 pp.

Pierre Voisin vs. Pierre Grosset, Sr. Layssard and others.

To recover the costs of house built on Grosset's lot. The house and lot were sold under judicial process invoked by Layssard, a creditor of Grosset and the proceeds were impounded in the Registry to await the decision of the court on the rank and privileges of the creditors.

See judgment May 7.

Petition to Superior Council by Pierre Voisin for citation of Pierre Grosset, Sr. Layssard and others for recovery of money due on house built by plaintiff on Grosset's lot, the said house and lot having been judicially sold on petition of Sr. Layssard, creditor of Grosset, for a sum of 1170 livres, which has remained in deposit in Registry owing to protests. He prays that Grosset pay costs and interest from the date of his demand.

Signed: P. Voisin.

May 3. Permit to cite Grosset and the creditors at the next session of the Council. Signed: Raguet. Notice of citation served same day on Pierre Grosset, by Sheriff Lenormand.

May 3. 3 pp.

Augustin Chantalou, agent of Peau and Bourgeret of Nantes, vs. Sevet.

To recover 2355 livres, 4 sols, 4 deniers, value of a bale of merchandise consigned to defendant in 1736. Also for an accounting of the said transaction.

See judgment May 7, No. 2.

Petition to Superior Council by Augustin Chantalou, acting under procuration of Messrs. Peau and Bourgeret, provost of Nantes, for recovery of 2355 livres, 4 sols, 4 deniers from Sr. Sevet, due on a bale of merchandise consigned to him in 1736, on which he charged 140 livres for storage. According to account of Sr. Peau and Bourgeret they put out 2483 livres, 10 sols, 6 deniers, and only had 108 livres, 13 sols, 10 deniers returned which was a loss more than a profit. Sevet was an officer on the ship and every one knows that the officers of the ship pay no storage, as they usually use the cargo of the boat. They will accept the said account if Sevet under oath affirms it true at the next session of the Council, and that he be held to pay all costs and expense, and that his demand for 140 livres for storage be dismissed, unless said Sr. Sevet prefers to submit to arbitration to regulate profits on said merchandise

at the price it was worth at the Cape and at the price it was sold in 1736.

Signed: Chantalou.

May 3. Notice of citation served on Sr. Sevet at his domicile at Mr. Rateau's house (Rasteau) by Sheriff Lenormand.

Bill attached to foregoing petition rendered by Mr. Sevet to Mr. Chantalou, holding procuration of MM. Peau and Bourgerel, provost of Nantes, for a bale of merchandise consigned to him by them in 1736, on the ship "Le Vainqueur" under Captain Ollivier, to be sold to best advantage. (detailed invoice follows):

Total 3760 livres specie of the Cape which in piastres gourdes or specie of France, would be worth 2648 livres.

The piastre Gourde valued at said place at 7 livres, 2 sols against 5 livres.

May 7, 1746. Bill certified as correct at 2,355 livres, 4 sols, 4 deniers in specie of France.

Signed: Sevet.

May 5.
27320. fo. 30.
4176. 1½ pp.

Sale of lot and improvements on St. Louis Street by Louis Lavergne and wife to Jean Manuel, called La Fleur.

Sale of a lot and improvements by Louis Lavergne and Isabeth Thomelain, his wife, to Jean Manuel, called La Fleur, lot situated on St. Louis Street, adjoining that of Montenary, called Toussaint, on one side and that of Piquery on the other, said sale, after compliance with all formalities prescribed was made for 500 livres in cash.

Signed: Manuel Cslinge. Chantalou. Lenormand. Henry, notary.

The vendors declared that they could not write nor sign.

May 7. 2 pp.

Francois Gervais for his wife, Marie Busson v. Jacques Larche. For an accounting of the succession of Noel Busson and his wife. The defendant married the widow Busson and it is alleged has not fulfilled his obligations to her children by the first marriage.

Petition to Superior Council by Francois Gervais, as husband of Marie Busson, minor daughter of deceased Noel Busson and Marie Bertin, who secondly married Jacques Larche, for citation of said Larche as it had been inserted in marriage contract with Larche that the three minor children of deceased Busson would be raised in the Roman Catholic religion,

allowing the sum of 600 livres per year to each child to be paid by Larche every six months. Said Larche has not fulfilled his obligations. Petitioner prays that Larche render an account of goods of succession of Noel Busson, that he be sentenced to pay what he owes thereon and to deliver the slaves and other effects of said succession and that he pay costs.

Signed: Gervais.

Document in bad condition.

May 7. 3¹/₄ pp.

Excerpt from Registers of sessions of Superior Council of the Province of Louisiana.

Chantalou, agent of Peau and Bourgeret v. Sevet. Council certifies that it has examined the petition and defendant's account and thereupon renders judgment condemning Sevet to pay 2355 livres, 4 sols, 4 deniers. See the original entry below. No. 2.

The Council renders judgment in favor of Chantalou, Agent of Peau and Bourgeret, acting on the account rendered by Sevet and sworn to as true and correct of merchandise consigned to him in 1736, valued at 2482 livres. Judgment against Sevet who is condemned to pay 2355 livres, 4 sols, 4 deniers and costs of suit. Signed by the Council, Henry, Greffr.

May 20. Copy of judgment served on Sevet. Record is made by the sheriff that he has served notice of judgment of Superior Council on Jean Pierre Sevet and demanded payment and defendant refused to comply with said judgment. Signed: Lenormand.

May 7. No. 7072. 3 pp.

Judgments rendered by the Superior Council.

Chantalou v. Dubreuil.
Le Normant retired.
In favor of plaintiff.

Session of May 7, 1746, where were present Messrs. Le Normant, First Councillor; de Lafreniere, Raguét, Fazende, Prat and Le Breton, Councillors:

1. Between Sr. Chantalou acting under procuration of Sr. Lambert, plaintiff, vs. Sr. Dubreuil, defendant: Council having examined the case and having heard the conclusions of the Procurer General orders that Sr. La Lande be called to answer concerning the negro named Mingo and sentences Sr. Dubreuil to pay following statement within eight days to Commissioner in charge and have recourse afterwards against Sr. Derneville. (See May 2 for petition.)

Chantalou vs. Sevet.
For plaintiff.
Le Normant retired.

2. Between Sr. Chantalou, plaintiff, vs. Sr. Sevet, defendant: The Council has certified the presentation of the account made by the defendant and of its acceptance and in consequence sentences him to pay the sum of two thousand three hundred and fifty-five livres, four sols and four deniers in liquidation of said account. (See petition May 3rd and also the foregoing extract for the judgment).

Lesassier v. de Beaune.
For plaintiff.

3. Between Genevieve La Sassier, plaintiff, vs. Sr. de Beaune, defendant: Council condemns defendant to pay 120 piastres, interest and costs.

Voisin vs. Grosset and Layssard.
Judgment ordering the proceeds of the sale to be divided between Voisin and the creditors.
Mr. Fazende retired.

4. Between Sr. Pierre Voisin, plaintiff, Sr. Layssard also plaintiff and Sr. Pierre Grosset, defendant: Council orders that returns on Grosset's house be divided between Sr. Voisin and Sr. Layssard "au marc la Livre" and that Sr. Grosset pay costs. See petition May 3.

Prevost, agent for
Geoffroy v. Francois
Gervais.
Default entered.
Mr. Fazende retired.

5. Between Sr. Jean Baptiste Prevost acting for Sr. Geoffroy, plaintiff, and Sr. Francois Gervais, plaintiff as well as defendant: Council orders default against defendant and consequently has cited him again. Costs reserved.

Francois Gervais for his
wife v. Jacques Larche.
Family meeting ordered to
select tutor and under
tutor to the minor
defendants.

6. Between Francois Gervais as husband of the daughter of deceased Noel Busson, plaintiff, vs. Jacques Larche, as widower of Anne Bertin first married to Noel Busson, and tutor of the minor heirs of said Busson, defendant: Before rendering judgment the Council orders that relatives, or friends in their absence, be assembled to elect a tutor and special tutor to said minors, before Mr. Raguet, to be ordered what shall appertain. Costs reserved. See May 7th and 25th.

Nicholas Judice, v.
Fabry and Blanpin.
Judgment by default
against defendants for 700
livres.

7. Between Nicolas Judice, plaintiff, vs. Sr. Fabry defendant, also Sr. Blanpin, defendant: Judgment against the defendant in default and condemned to pay the 700 livres carried in his balance sheet of Jan. 1, 1745 and costs.

Louise Bredit vs. Millet.
For plaintiff.

8. Between Louise Megriet widow of Julien Bredit, called Touranget, plaintiff, vs. Millet, defendant: Council orders defendant to pay plaintiff the sum of forty-four piastres and a half as the remainder of his note of March 24, 1745.

Signed: Lafreniere. Lenormant.

May 7. 2 pp.

Dubreuil answers the
petition of Chantalou of
May 2nd.
See further May 10th and
20th.

Defense and answer made by Joseph Villars Dubreuil to petition of Augustin Chantalou, plaintiff. Villars states that the negro Brindamour, the negress Genevieve, his wife, and one child, are in possession of Mr. de Lalande at Mobile, in service in one of the cow houses of Mr. Diron where they remained to guard the cattle until sale of same, the defendant in no way opposing their delivery in order to be sold, being charged in his account per memorandum for said purpose. As to the one named Jeannot, otherwise Mingo, aged about fifteen years, he was hired to Mr. Derneville, who had asked for him with the intention of buying him, which sale the defendant would have consented to without any difficulty, having promised him the preference when said negro would be sold. In the interval the said negro died in the service of the King, wherefore Sr. Derneville claims that he should be paid for to Sr. Diron's heirs by the King. Sr. Derneville should be held to pay the hire of said negro up to date, afterwards to have recourse against who

is responsible in the case and Sr. de Lalande should also be compelled to return the three other slaves mentioned.

Signed: DuBreuil.

Document stained with torn and creased margins.

May 9.

3 pp. N. P.

Letter from Widow Gervais to Benoist de St. Clair.

Letter from Widow Gervais to Benoist de St. Clair, expressing her gratitude and friendship. Governor has written concerning debts due her; she is doing what she can to send him the band of starling feathers requested, request to send flour.

May 10. 2 pp.

This is evidently part of the file in Chantalou vs. Dubreuil. See May 2nd and 7th.

rent to Sr. Olivier, with the certificate of the Surgeon on the death of their negro who died from the efforts he made in loading the King's boat; there is also a certificate signed: Descloseaux.

Acknowledgment of Derneville dated August 1, 1744, that De Breuil had hired to him the slave Mingo.
Copy.

at the Belle Fontaine with his father, until Madam Widow Dartaguet decided to sell him or otherwise, in which case Mr. Dubreuil promised him the preference. Dated New Orleans, August 1, 1744.

Signed: Derneville, below which is written: Collated copy, signed Henry with paraph.

Copy.
Petition by De Breuil for citation of Derneville to pay the value of the negro Mingo.

3. May 10. Petition to Superior Council by Sr. Joseph Villars Du Breuil, Captain of Militia, and as rendering account of funds of succession of deceased Mr. Diron, stating that by decree of Council of May 7, he was condemned to pay for a negro named Mingo owned by said succession, pending appeal against Sr. Derneville, Captain of Marine troops in this Colony, to whom petitioner had hired the said Mingo as shown by attached copies of documents. The said negro being dead, petitioner prays for citation of Sr. Derneville to compel him to pay for said negro after appraisalment made.

Order for citation signed by Raguet.

May 10. Notice of citation served on Sr. Derneville residing at Mobile, at his domicile in New Orleans, in the house of the Procureur General by Lenormand.

This document has the autograph signature of Lenormand and is evidently the copy left him with the summons.

May 11. 4 pp.
24914. fo. 26.
(13813.)

Sale of the boat La Victorieuse to Andre Gerbe for 1200 piastres Spanish money in coin.

Sale of boat la Victorieuse, owned jointly by Jacques Hyacinthe Le Vassore de Bonnetterre and Jean Baptiste Le Mercier; the latter being absent is represented by Nicolas Jaham Despresin transfer to Andre Gerbe for the sum of 1200 piastres (coin) Spanish money, on which 800 piastres have been paid and purchaser has furnished mortgage security on his movables and immovables for the remainder which he promises to pay fifteen days before the departure of the vendor.

Signed: Jaham Despres (signature of Lavasseur badly charred) Cantrelle. gerbe. Henry, notary.

May 15, 1744. Acknowledgment of payment of remaining 400 piastres.

Signed: Levassor de Bonnetterre. Depres. Henry, notary.

In margin on first page this document is indexed "1746" but the receipt bears the date 1744 in script.

In a later document the name is written Le Vasseur but these signatures though badly charred are evidently "Le Vassor". Document stained and charred so as to destroy the text in some parts.

May 12.
fo. 30. (27328.)
(4180.) 1 p.

Procuration from Le Comte of Pointe Coupée to sue priests at Fort Chartres for movables and for a money debt.

Procuration granted before Potin acting Greffier at Pointe Coupé by Jean Bte Le Comte to Louis Robillard to claim his movables and utensils from Fr. Capucin and to call for payment of note from Fr. Gagnon, priest and Cure of the Parish of Ste. Anne at Fort Chartres and of all other debts due to said Le Comte who empowers Robillard to sue those who will not pay.

Signed: St. Amand. Le Cont. roblot Potin
witness witness notary

Mutilated in upper portion, margins ragged and badly stained.

May 12.
27326. 4179.
fo. 30. 1½ pp.

Widow Philippe Antoine Brusle sells young negress to J. B. Bancio Piemont for 1150 livres, in piastres of five livres each paid in cash.

Sale of a negress named Marinette, aged about fourteen or fifteen years, by Dame Marthe Fremont, widow of Philippe Antoine Brusle to Jean Baptiste Bancio Piemont, merchant of New Orleans, for the sum of one thousand one hundred and fifty livres, in piastres of five livres each, paid cash.

Signed: brusle. J. Bancio Piemont. Chantalou. Lenormand. Henry, notary. Document badly charred.

May 14.
fo. 30. 27329.
4181. 1½ pp.

Pierre Voisin, merchant of New Orleans sells to Thomas Desmares, a cooper, the house and lot purchased by vendor at the sale of the property of Grosset.

In this sale for cash and credit the purchaser grants a mortgage and binds himself not to sell or alienate the property until the price has been paid in full.

Sale of a lot by Pierre Voisin, merchant of New Orleans, to Thomas Desmares, cooper, for the sum of 1390 livres, which he paid 1162 livres, 10 sols, and promises to pay the balance in six months, furnishing mortgage security for said payment; particularly hypothecating the said lot and house which he will not be able to sell nor alienate until complete payment. This property was adjudicated to Voisin following seizure on petition of Voisin and Layssard creditors of Pierre Grosset, called St. Pierre. Purchaser could not sign nor write and document is signed: P. Voisin.

May 14.
(27331.) fo. 30.
(4182.) 4¼ pp.

The manager of the cargo and accounts of the ship St. Michel reports that the ship was unmasted while on her outward voyage in the river. He asks for an examination of the ship to ascertain the damages done. The Judge (Le Normant) orders the inspection to be made by carpenters in the presence of Livaudais, Captain of the Port and Raguet, Councillor in this case and the Procureur General.

Petition to Mr. Le Normant, Councillor of the King, Commissioner General of the Marine, Ordonnateur, and acting Judge of Admiralty in the Province of Louisiana, by Jean Baptiste Bertrand, manager of the cargo and account of the Boat the St. Michel, stating that on the 19th of last February, in fine weather, the boat was unmasted, whilst awaiting its companion, which obliged it to touch port at the Balize, and to go up the river to the road of New Orleans to remast and do the necessary refitting and in the interest of the owners to have the ship examined

to ascertain the damage done, in the presence of the Procureur General, the Captain of the Port and of the King's carpenters in the city, wherefore he prays that said visit of the ship be ordered, that proces verbal be drawn up of same by the Clerk of the Council for the validity of same.

Signed: Bertrans.

Index in margin is May 16, and at end of petition, in script May 14.

27332.

May 14. Order that said visit be made by the carpenters of the King, in the presence of Sr. de Livaudais, Captain of the port, of Sr. Raguet, Councillor on this case, and of the Procureur General of the King.

Signed: Lenormant.

27344.

Oath of Henry, Dubrey and J. B. David, carpenters.

May 16. Following petition Sr. Bertrand, at seven o'clock in the morning and order of Sr. Le Normant, Commissioner General and Ordonnateur of the Province, before Sr. J. Bte Raguet, Councillor of the King, of Sr. Fleuriau, Attorney General of the King, Henry Dubrey and

Jean Baptiste David, carpenters of the King, took the oath before Sr. de Livaudais, Captain of the Port, to examine well and faithfully the boat the St. Michel now anchored opposite New Orleans, all of whom have signed excepting David who declared he could not write nor sign.

Signed: Henry Dubre. fleuriau. Raguét.

27344.

Proces-verbal of the examination, covering the injuries to and the condition of the St. Michel.

May 16. Proces Verbal of examination of the boat the St. Michel by the King's carpenters Dubrey and David accompanied by Sr. de Livaudais, Captain of the Port and the Procureur General of the King in the presence of Dn. Martin Jacobze, Captain of the boat and of the inferior marine officers and crew who were on board. The carpenters declared that the mainmast was broken in two places, and other injuries which put it entirely out of service, and that it was only fit to burn; they afterwards examined the bowsprit mast and found it also out of service, that a new driver boom was needed, the main shrouds to be changed, that all iron bolts must be replaced, etc., the ship needs to be caulked from end to end careened, etc., the whole seen and examined by Mr. Livaudais who affirms the proces verbal to be correct.

Signed: henry dubre. Marten Jacobze. Livaudais. jan rusman. jean duplessis. fleuriau. Raguét. Henry, Greffr.

27346.

When the carpenters opened it they found rotten wood and leaks which would have damaged merchandise and they had to widen the rudder; the kitchen had to be made over.

Signed: Bertrand. Marten Jacobze. jean Francois duplessis. Raguét. fleuriau. Livaudais. Henry, Greffr.

Document stained, charred and upper margin partly eaten away.

27333.

Collated copy of the preceding petition of the manager of the ship.

Petition to Sr. Le Normant, Councillor of the King, General Commissioner of the Marine and Ordonnateur in the Province of Louisiana by Jean Baptiste Bertrand, Manager of the cargo of the ship the St. Michel, under Captain Martin Jacobze who states that on the 19th of last February, two hours after midnight, in fine weather, the mainmast was broken at half mast and that he was obliged to put in at the Balize and to go up the River to the City in order to remast, to do the necessary caulking and to have the ship examined as to damages in the presence of the Procureur General of the King, and the Captain of the Port by the carpenters of the King in New Orleans, before Sr. Raguét appointed Commissioner in this case following the order of order of Mr. Le Normant.

Collated with the original deposited in the Registry of the Superior Council of Louisiana, June 7, 1746.

Signed: Henry, Greff.

27335.

Reports of the carpenters.

May 16. Examination of the ship the St. Michel made by Henry Du Brey and Jean Baptiste David, ship carpenters of the King in the presence of Sr. Raguét, Commissioner in this case, the Procureur General of the King and Mr. de Livaudais, Captain of the Port, who signed, excepting David, who declared that he could not write nor sign.

Signed: Henry, Greff.

27337.

Proces-verbal of the examination.

Proces Verbal of examination of the St. Michel and details of its condition and repairs needed, the original signed by Henry Dubrey, Martin Jacobze, Jean Rusmain, Jean Duplessis, Livaudais, fleuriau, Raguét and Henry Greffier.

27343.

Receipt for three piastres paid to the carpenters for their examination.

Receipt to Sr. Bertrand for three piastres which were paid to the two ship carpenters of the King who examined the boat; the other costs having been gratis.

Collated Copy furnished July 9th, 1746. Signed: Henry, Greff.

(Proper names reproduced with the different orthography given in text.)

May 17. 3 1/2 pp.

See June 4 '46.

Pierre Ferrand seeks the criminal prosecution of Nicholas Judice for a caning given petitioners by said Judice. The Procureur General demands that Ferrand remain a civil party to the suit.

Petition to Superior Council for criminal prosecution against Nicolas Judice by Pierre Ferrand and for citation of witnesses before Sr. Le Normant, Commissioner of the Marine or before the Procureur General of the King. Judice caned Ferrand following the arrest of negroes who had stolen, one of them being the slave of Judice. (No signature.)

May 17. Order to cite parties signed Lenormant.

May 17. The present petition considered as a complaint, Procureur General demands for the King that said Ferrand remain civil party and that a report be made by the Surgeon Major of the King and that information be taken of circumstances that it may be ordered what shall appertain.

Signed: fleuriau.

Notice served on witnesses to appear before Council at its next session by Lenormand.

May 18.

No. 1073. 16 pp.

Inquiry before Raguét, Commissioner, covering testimony of eight witnesses examined on Ferrand's complaint against Judice.

Inquiry made on petition of Pierre Ferrand before Jean Baptiste Raguét, Commissioner in this case, by order of Sr. Le Normant, First Judge in the Superior Council, on the assault made on Ferrand by Nicolas Judice.

See further proceedings by Ferrand claiming 1,000 livres for the benefit of the hospital, June 4, 1746, and order of the Council same day. Also testimony of witnesses on June 28th.

First witness was Sergeant Henry Medsingue,¹ of the Fourth Company of the Swiss Regiment of Karrer in garrison in this Colony. Testimony covers 1½ pages.

Second witness was Catherine La Fontaine wife of Sr. Dupre, covers one and a half pages.

Third witness Nicolas Ducret called Belhumeur, cobbler. Testimony covers one page.

Fourth witness, Jean Pierre Hardy, called La Vierge.

Fifth witness Jean Isaac Olivier Pache.

Sixth witness Isaac Poisat, wig-maker.

Seventh witness, Claude Tourangin, called La Couture.

Eighth witness, Francois Coussine.

Ninth witness, Antoine Renis, aged 14 years.

Signed: Raguet. Henry, Greff.

May 18. Order to communicate to the Procureur General of the King. Signed: Raguet.

¹ Also Mintoingue, Maxtrino and Maitrem.

May 18.
fo. 30. (27351.)
(4184.) 1 p.

Sale of plantation at
Pointe Coupee for 450
livres.

Sale of a plantation measuring nine arpents frontage by ordinary depth, by Pierre Durocher, called Castillon, to Jean Baptiste Rabelay, called Matelot, both residents of the Post of Pointe Coupée, for four hundred and fifty livres, at which

sum said land was adjudicated at auction of goods of deceased Sr. Duplechin. Rabelay promises to pay aforesaid sum on demand.

Signed: Marque de Jean. pierre durocher. Potin Nore. Rabelay dt Matelot. St. Amand temoin. Meuillion temoin.

Document stained, torn with ragged edges.

May 18. 2 pp.

Guillaume de la Pommeray
vs. Sieurs Prat and Gautreau
for an accounting
of plaintiff's funds and
receipts left with
defendant.

Petition to Superior Council by Guillaume de la Pommeray for citation of Sieurs Prat and Gautreau to compel them to render account of funds intrusted to them, in default thereof to be condemned to pay petitioner the sum of 2228 livres.

Signed: delapommeray.

May 18. Order of citation to Sieurs Prat and Gautreau, signed by Lenormant.

May 18. Notice of citation served on Mr. Prat domiciled at the Rev. Jesuit Fathers. Signed: Lenormand.

May 20. Account rendered by Sieur Prat to Sr. Gautreau for use of 1327 piastres left in deposit at his departure, added to previous sum, amounting to 6637 livres, 10 sols, with receipts attached

thereto and detailed disbursements made by Sr. Prat and also receipt from Sr. de Vaudreuil of a sum of 22500 livres in bills of exchange sent to Sr. Gautreau for the three first terms on sale of Gautreau's plantation and the negroes sold to Governor, etc.

Account of Prat.

Signed: Prat.

Document torn with ragged margins.

May 20. 1½ pp.

Judgment ordering Prat to prove the use made of plaintiff's funds and that he take oath he has no other funds in his hands.

Judgment in case of Sr. Prat vs. Sr. Gautreau. Council has ordered Sr. Prat to prove use of funds belonging to Sieur Gautreau, in default of which he shall pay the sum of 2228 livres, totalling receipts to 17074 livres, 18 sols, and order

that he this day give his declaration that at this date he has no funds owned by Mr. Gautreau.

Prat furnishes declaration and affirmation.

Act given Mr. Prat of his declaration and affirmation and order issued to seize and hold 2228 livres in current specie in

hands of Governor de Vaudreuil.

Signed: Lenormant.

May 23. 1½ pp.

Nicholas Judice v. Sr. Fabry.

Plaintif petitions for order of seizure to enforce previous judgment.

Petition to Superior Council by Nicolas Judice for enforcement of order of Council for payment of sum of 600 livres by Sr. Fabry, following order and proceedings against him up to date to no avail, wherefore petitioner prays for seizure of all movables owned by Sr. Fabry, after citing him before Council at its next session.

Signed: nicolas judice.

Order for citation signed: Lenormant.

May 23. Notice of citation served on Sr. Fabry at his domicile by Marin Lenormand.

May 23.

(June 19, 1745.)

Copy.

(27029.) 8 pp.

Will of Joseph Blanpain of Houmas, German Parish.

Testator is about to go in search of Chevalier Grenier.

(The Chevalier was cast ashore in Texas and his adventures are recited in the Wreck of the La Superbe, La. Hist. Qy. 11, April, 128, p. 179.)

This will is dated June 19, 1745, but indexed as May 23, 1746.

Will of Joseph Blanpain, who has not time to dictate a formal testament following the ordinances. Joseph Blanpain is a resident of Houmas, German parish, has appeared before the Notary Royal of New Orleans, as he is about to leave on a voyage "of discovery" as to what may have happened to the Chevalier Grenier. Is passing by a route fixed by way of Bayou Piaquimine (Plaquemine) and from there to the Chetimachas Lakes, and his route to be continued according to orders given him by Sr. Hervier to reconnoitre the Bay of St. Bernard and all researches he may make in the said place. Fearing death which is certain but the hour of which is uncertain, in case it please God to call his soul from his body and from

this world . . . (Ordinary form) He names as his universal legatee, his friend, Joseph Le Kintrek in recognition of his good and loyal service to him, whom he prays to pay all his debts and to allow one third of the benefit of his succession to Francois Valleran, an orphan at the Convent, aged about eleven years, who was raised in the house of said Blanpain, which will in no way cause prejudice to his creditors all these goods having been earned by his labor, in this Colony and without any aid from his relatives. He abandons all that may come to him by inheritance, in case of death, same to return to his coheirs, as by right, He names as testamentary executor Andre Poire, called Chevallier, at present Guardian of the King's warehouse (store) at Natchez. Original signed by Blanpain, Jahan, Chantalou, certified by Henry, notary.

The following papers are in the same file:

(27031.)

Receipt by Delille Dupart to Le Kintrek acting for Blanpain 200 piastres for tobacco. Le Kintrek is acting under the authority given in Blanpain's will.

Dec. 23, 1745. Receipt for two hundred and sixty piastres to Sr. Delille Dupart by Sr. Le Kintrek, acting for Joseph Blanpain, for payment due by said Blanpain to Sr. Germain for delivery of tobacco to Sr. Prevost in Sr. Blanpain's name, to avoid Sr. Prevost's obtaining heavy damages against Blanpain in default of delivery. Joseph Le Kintrek is empowered to act in Blanpain's name by will of June 19, 1745, and by letter of September 26, 1745. Original signed by Le Kintrek, Dlle Dupart, Chantalou, Jahan and Henry.

Certified by Henry, notary.

September 23, 1745. Letter dated from Letter from Blanpain. Pointe Coupee by Blanpain, sends his negro Pompey with 15 piastres and skins promised . . . this letter written, he will continue his journey . . . sent by Madam Monpierre the note promised him, . . . in his portfolio one from Manne which he promises to pay as he descends to sell his tobacco . . . Bellair's children descend to sell their tallow and will remit for the value of what they owe as well as for their father's debt to the amount of twenty or twenty-five piastres . . . St. Germain promised to wait for payment of 100 piastres until his return . . . receipt in a small basket . . . request to advise Mr. Prevost when the tobacco arrives for delivery . . . remainder to be sold . . . Madam Rocancour sent a pitcher full of rice to Chevallier . . . recommends the plantation, requests him to have his eye on it when his business allows. Collated at the moment.

Signed: Henry, notary.

Copy. 27034.

Obligations of Le Kintrek to pay for Blanpain to Germain 200 piastres.

October 30, 1745. Promise by Le Kintrek to pay in Blanpain's name to Mr. Germain the sum of 200 piastres in Spanish money, next Christmas, excepting the 1000 livres paid on delivery of tobacco, following receipt given,

and if unable to pay the whole sum will give Pompey as security until return of Blanpain. Original signed: Le Kintrek.

Collated copy on the moment. Signed: Henry, notary.

27033.

Agreement of Le Kintrek and Blanpain with Pictet for skins in exchange for blue beads.

Sept. 10, 1745. Copy of agreement made solidarily by Le Kintrek and Blanpain to deliver to Sr. Pictet, "from here in October, at latest, the quantity of six hundred parchment skins, good and merchantable, for the value of 200 lbs. of blue beads (rassades) to be delivered at that time, on which was received on account

Receipt of Le Kintrek to Blanpain in settlement of above agreement.

50 livres. Done at New Orleans, Sept. 10, 1745. Signed Le Kintrek and Blanpain and on the reverse: Receipt from Mr. Le Kintrek and discharge of Mr. Blanpain for 420 skins, weighing 703 lbs. and for the 180 skins remaining on said agreement, they were valued at same price of the aforesaid ones which La Kintrek paid at price of 18 sols the lb., at which price the above were sold to his knowledge, which amounts to 270 livres, 18 sols in silver. Dated October 25, 1745, and signed: Pictet in the original.

Collated with the original October 30, 1745.

Signed: Henry, notary.

27036.

Settlement between Blanpain and Dupart.

Original: May 23, 1746. The undersigned Blanpain, concerning his obligation and on account of the delay granted him by Delille Dupart on account of his absence has delivered to said Dupart 22 heads of horned cattle on the levee at New Orleans, which delivery discharges his obligation to said Delille Dupart.

Signed: leKintrek blanpain. Jahan. prevost. Couturier temoin. temoin.

May 28. 21½ pp. fo. 3. No. 14.

Letters from the widow Gervais to Benoist de St. Clair in Illinois.

Collated copy of letter written by Widow Gervais to Sr. Benoit de St. Clair in Illinois. (Business letter).

Collated by Barroze on May 6, 1749.

Followed by original of same letter written and signed "veuve gervais" of New Orleans to Benoit De St. Clair of Illinois.

Followed by another letter of veuve Gervais simply dated: "in March 1746", concerning papers sent for land of la Prairie du Rocher and of the "Grand Bois" and have it divided if need be, between her five minors . . . list of purchases to make . . . Mr. de Porneuf to remit to him a cask of rum . . . which Mr. Olivier was kind enough to have shipped in my "small interest" . . . send pimento for there is no black pepper in New Orleans . . . send two thirds of brandy which sell one crown (ecu) a pot . . . this price is high in consideration of the quantity that goes up there . . .

No. 8. *Veuve Gervais of New Orleans to Sr. Benoit De St. Clair in Illinois, thanking him for his kindness . . . Blotted and very badly written.*

May 30. 1 p.

See Diron succession.
Sec 5-2-46, 5-10-46.

Certificate of Bobe Descloseaux at Mobile to the death of the slave Mingo.

This belongs to the suit brought by Chantalou, agent of the widow Diron Dartaguet against Du Breuil.

See May 2nd, 7th and 10th.

Certificate by Bobe Descloseaux, Comptroller of the Marine, acting as Commissioner in the department of Mobile, that on the 20th of last March, Duplanty's boat, freighted by the King to carry flour, reached here in rainy weather and fearing damage to said cargo to hasten the unloading, two negroes were borrowed from Mr. de Velle, one from Mr. Derneville, named Mingo and one from said Descloseaux, as the King's negroes were

then employed making corn meal for the subsistence of the garrison and the savages; that the negro Mingo whilst carrying a sack of flour, having made an effort with another, he ruptured himself and died seven days later. All of which he attests as the truth and furnished certificate to Mr. Derneville to serve and avail as need may be.

Signed: Bobe Descloseaux.

Document badly stained with torn margins.

No. date.
(27359.) 2 pp.

Letter from Pointe Coupee.

Letter of thanks by Sr. Demorant to Sr. Allain on his plantation at Pointe Coupée for the work done on his plantation.

May 31.
27361. fo. 30.
4186. 1 p.

Morand Brothers of Pointe Coupee acting through Jean Francois Allain sell a plantation to J. B. Barra for 320 livres.

Sale of plantation of the de Morand Bros., former residents of this Post of La Pointe Coupée, by Jean Francois Allain, acting under their procuration, to Jean Baptiste Barra, resident of this place, the said plantation measuring sixteen arpents frontage on the river by ordinary depth, at twenty livres per arpent, amounting to

the sum of 320 livres which the said Barra promises to pay Sr. Allain in the month of January, 1747. Barra declared that he could not sign nor write.

Signed: Allain. Nicolas Dviess probably Weiss.
witness.

Mark of Barra dt Le Blond. Jacques decoux
temoin. Potin Nore.

Document stained and torn.

May 31.
27362. 1 p.

Sale of five arpents of land in the Post of Pointe Coupée, fronting on the river by

Sale by Allain, acting for
Morand, of a plantation
at Pointe Coupee to
Nicholas Weiss for 100
livres.

ordinary depth, by Jean François Allain
acting for Mr. de Morand, at 20 livres
per arpent, in all 100 livres, which the
purchaser, Nicolas "Wisse" promises to
pay in the course of the month of January.

Signed: Allain. nicola Weiss. Jacque decoux
temoin. St. Amand
temoin.

Potin, nore.

Document stained and torn. Nos. 27359, 27361 and 27362
pinned together and in equally bad condition.

(To Be Continued)



**INDEX TO SPANISH JUDICIAL RECORDS
OF LOUISIANA
XXXVII.**

February, 1781

(Continued from July, 1932)

By **LAURA L. PORTEOUS**

With occasional notes by **Henry P. Dart**

February 15, 1781.

**Evan Jones and James
Jones vs. William Walker.**

No. 3497. 146 pp.

Court of Alcaldes Jacinto

Panis, Josef LeBretton,

Francisco Maria Reggio.

Assessor, Postigo.

Escribanos, L. Mazange,

Fernando Rodriguez.

The parties plaintiff and defendant are English people with good old English names, that the Spanish judicial officers rendered into Spanish equivalents, thus Evan, became *Estevan*, James, *Santiago* and William, *Guillermo*. The editor has concluded to endeavor to keep the record straight hereafter in this particular, because some of the people thus described are historical characters and in any event we realize through these proper names the English and American drift into the country called West Florida before and after the conquest by Galvez.

Evan Jones remained in Louisiana and was a prominent leader of the American population at the time of the Cession (1803) and long thereafter.

This suit was for recovery of 1927 pesos, $7\frac{1}{2}$ reales the Spanish equivalent of 1500 milled dollars, which defendant promised to pay as the purchase price of 500 acres of land in West Florida on the Mississippi River opposite French Pointe Coupee.

This was a suit to compel the defendant to pay the purchase price of a tract of land in English Pointe Coupee facing the Mississippi River opposite French Pointe Coupee, in accordance with the provisions of an agreement here called obligation, dated December 6, 1776, wherein Walker promised to pay Evan and James Jones 1500 milled dollars.

The petition alleged the obligation was executed in Baton Rouge, before Daniel Hickey and Francisco Ponset, who were English Judges in Baton Rouge, West Florida, and that said obligation was executed according to the English laws then observed at the Post of Baton Rouge.

It is alleged that Harry Alexander, now in New Orleans, has property in his possession belonging to the defendant sufficient to meet this debt and that the defendant is absent from the Province. The prayer is that Alexander be ordered to answer whether he has such property and for execution against defendant for the full amount of 1927 pesos, $7\frac{1}{2}$ reales, and for the

The contract to sell this land was made in December, 1776, while England held West Florida and before Galvez conquered it in 1780. The suit seems to have been based on a bond given by the defendant for the purchase price. The defense was that the plaintiffs had no title to the land, and that they therefore could not recover on the bond.

The plaintiff and defendants were unquestionably British subjects when they made their trade in 1776, particularly as West Florida did not revolt in 1775 with the remainder of the American Colonies of Great Britain.

This litigation over land in West Florida is really of historic interest, for we are still groping in the dark on many interesting features of British rule. The various names that figure in the suit are still well known in the Florida Parishes and the local place names that fill the documents have not altogether been displaced.

The lawsuit has much attraction for the student of our legal history, particularly in the field of conflict of law. It had its beginning in an English contract and it was adjudicated in a Spanish court under Spanish practice. Under the rule of the civil law of France and Spain the defendant's written bond was not open to attack by oral evidence and the efforts in this case to defeat that rule adds to the value of this old record.

After four years of litigation plaintiffs won their case but the obstinacy of the Anglo-Saxon defendant and his prompt appeal to Havana brought the plaintiffs to a compromise.

The Editor has taken the liberty to reorganize Miss Porteous' report of this case in order to strip it of non-essentials and to present the issues as clearly as possible. The report as here printed is therefore a medley of two minds working to one purpose.

one-tenth and costs. The calculation includes interest to date. The one-tenth was the sheriff's fees or commissions on all writs.

The plaintiffs were represented by Fernando Rodriguez, who became an Escribano and substituted Rafael Perdomo as attorney for plaintiff. The defendant was represented by Francisco Broutin.

The agreement was translated into Spanish and an order was issued to Alexander to appear within six days. The latter appointed Francisco Broutin to represent him and instead of answering, filed an Interrogatorio addressed to the plaintiffs. In Spanish Louisiana Civil practice the holder of a written obligation or any other written evidence of the debt, was entitled to an order of execution on the face of the papers, subject to the defendant's right to stay the writ upon allegations of payment or that the contract was of no original effect. The purpose of Broutin's Interrogatorio is therefore an attempt to search the conscience of the adversary to show that the consideration of the so-called obligation and to show defendant received no other consideration therefor than the real property which seemingly was described in the "obligation", although Miss Porteous' memo does not show this. The Interrogatories and Answers are as follows:

1. Q. Let Evan and Santiago Jones declare whether at the time the obligation was executed there were any agreements, or contracts with Guillermo Walker, for how long did they have the said agreements, or contracts and of what nature were they?

- A. Santiago (James) Jones said he did not have any agreement or contract with Guillermo Walker other than that he sold him 500 arpents of land situated in front of Pointe Coupee belonging to James and his brother, Evan Jones. Walker took possession, putting a man on the land to take care of and to cultivate it. He and his brother agreed to execute a title in due legal form according to custom upon payment of the stipulated price by Walker as set forth in the agreement included in these proceedings. Evan Jones said he never had any agreement, or contract with Guillermo Walker except that he bought from Walker a portion of seed indigo, but he does not remember if this was before or after Walker contracted the obligation.
2. Q. At the time the obligation was made, whether he or his brother lent any money to Walker and if so was it before the obligation was made, for how long, for how much, in what specie, on whose account was it lent, who were the witnesses and before whom did they lend the money.
- A. James Jones says they did not lend Walker any money either before or after the date of the obligation, although Walker wrote him that he had a portion of indigo to sell, this he bought and sent to his plantation at Pointe Coupee and with other seed acquired from other private persons. He paid Walker for his portion through Mr. Pousset, but he can not remember, or be sure whether this payment was made before or after the agreement aforesaid.
- A. Evan Jones says neither before, nor after they executed the obligation did he ever lend Guillermo Walker any money.
3. Q. What value have they delivered to the said Walker for the full amount of the obligation they have presented, at what time, in what place and before whom?
- A. Santiago Jones says the obligation covers only the price of the 500 arpents of land sold by him and his brother to Walker in the form and as the contents expresses the same.
- A. Evan Jones says the full amount of the obligation is the price of the 500 arpents of land sold to Walker by him and his brother, then in English territory, in front of the Post of Pointe Coupee. The transaction took place at the time and in front of the witnesses mentioned in the said obligation.
4. Q. For what did the full amount of the obligation provide, to whom did they deliver its value, at what time, in what money, or effects, let them declare all minutely?
- A. Santiago Jones says he refers to the foregoing answers.

- A. Evan Jones says he has given all this information in his foregoing answers.
5. Q. Let them declare whether they have asked for payment on said obligation, to whom did they make the demand, at what time, how, in what place, to whom was the said demand made and if they have not made the demand, why did they not make it?
- A. Santiago Jones says the payment of the said obligation was demanded by both himself and his brother after it fell due, verbally to Mr. Walker's agents Messrs. Alexander and Pousset, in the presence of His Excellency Señor Don Bernardo de Galvez and different other witnesses, that he has repeated his demands at different times in letters to the forenamed agents and that if he has not made the same demand to Mr. Walker, himself, in person, it is because he was and has been absent before and at the time the debt fell due.
- A. Evan Jones said he made demand for payment of the obligation to William Walker's agents, Messrs. Alexander and Pousset, verbally before Governor Galvez and by writing in different letters as the answers to the same at the time show.
6. Q. For what reason was the obligation not paid before the date of maturity?
- A. Santiago Jones answers that he has heard by word of mouth from Mr. Walker's agents, Alexander and Ponsset, confirmed by them in letters, that they have not paid the obligation for want of funds, although the terms were completed. Walker had given them some bills of exchange without indorsing them, and his agents hold the said bills of exchange unnegotiable.
- A. Evan Jones said they entertained him with extensive promises and good words that have afterwards resulted in badly founded traps and objections.
7. Q. Did they know of Walker's leaving this country for New England and did they know that he would not return to this land again and that he had given orders to dispose of all of his property so as to remit it to himself, and that no effects must remain in this colony?
- A. Santiago Jones says he knew that Walker must depart from this colony for the Islands, but he did not know that he had left orders to dispose of all his property so as to remit it to him. On the contrary according to Walker's written documents he knew very well that he must return to this Province to bring funds to satisfy his obligations and to redeem his bills of exchange.
- A. Evan Jones says he knew that Guillermo Walker must leave, but much later it was said that he would not

return. Before leaving he was assured that his absence was for a short while and that in place of ordering all his effects gathered up to transmit to him, he had brought a number of negroes with him and enough money to liquidate and satisfy his debts.

8. Q. Why did they let him leave this colony without having presented themselves judicially against him to ask the full amount of the obligation?
 - A. Santiago Jones says that having solicited security for payment of the obligation from Mr. Walker, he wrote to him before leaving the Colony and that he answered them in writing assuring them of his intention to return with funds to satisfy them and if the note should expire before his arrival he prayed them not to give trouble to his agents asking their confidence and promising not to fail to redeem his pledges. What this witness has declared is the truth and he has given his testimony through an interpreter, Juan Duforest.
 - A. Evan Jones said he could not present himself in judicial form considering that Guillermo Walker departed before the maturity of the obligation, consequently he did not owe the full amount. Mr. Walker wrote to inform him of his departure, saying he had left with his agents, Messrs. Alexander and Ponsset different bills of exchange that would mature at the time of the obligation sufficient to satisfy it in case he had not returned from his voyage.

After these questions were answered Broutin filed an answer for Alexander in substance admitting the execution of the obligation but contending that plaintiffs have no title to the property and failed to tender a title when more than three years ago they presented themselves before Governor Galvez seeking to collect the debt. It should here be noted that while Alexander appears in his own name, he is defending for his principal, Walker.

In reply to Alexander's plea the two Jones' set out their title to the land and attached the original English deeds evidencing the same. They admitted that three years ago they made a verbal demand before Governor Galvez and a promise was then made by Walker to pay and they on their part agreed to execute a deed but Walker failed to pay. The English deeds referred to in this petition are translated into Spanish (the originals have been withdrawn). It is shown by these two deeds dated respectively December 20th and 21, 1774, that Dr. Mathew McHenry of Northhampton, County, Pennsylvania, sold to Evan and James Jones of Pensacola, Florida, a full half in indivision of certain land situated on the Mississippi River opposite the French Settlement of Pointe Coupee. As

the writer understands Miss Porteous' notes, the effect of these two deeds was to convey to the Jones' the full ownership of the whole tract of 1,000 arpents. In McHenry's deed it is stated that he acquired by Grant dated December 15, 1768, and that the land had been duly surveyed and delivered to him. The two deeds to the Jones were dated, signed, sealed and delivered in Philadelphia, Pennsylvania.

Alexander filed a dilatory plea to the foregoing answer of the plaintiffs and suggested that the translator may have made errors in the rendition of the English deeds and asked that the originals be produced and a new translation ordered. The Alcalde returned this plea to Alexander and ordered him to remodel it according to some known form of (Spanish) law, warning him also that he must answer within one day without any more "representations."

Thereupon, Alexander filed an answer protesting against the action of the Alcalde and the treatment he has received in the Spanish courts as he is a lawyer and consequently he is entitled to more respect than he has received. From his answer and the two documents (translated from English into Spanish) it appears that on December 6, 1776, Walker furnished the plaintiffs a bond for fifteen hundred milled dollars payable nine months after date in consideration of the purchase of 500 acres of land being the lower part of 1,000 acres granted to Mathew McHenry opposite Pointe Coupee and that the Jones' agreed on the payment of this bond to execute to him a good and lawful title to said property and that in the meantime Walker should take possession immediately. This bond is evidently the "obligation" here in suit. It further appears that the Jones' caused certain negroes in French Pointe Coupee to be seized under Galvez' order and that the sale of these slaves was stayed by their consent while Alexander was disputing their title. Ultimately, in 1778 the Jones' consented to the release of these slaves and limited their claim to the obligation. The answer further avers that the Jones' have no good and valid title to the land and cannot fulfill their part of the "obligation."

The Alcalde thereupon ordered the parties to go to trial "within nine common days." In due course therefor he ordered the "publication of the proof."

On behalf of plaintiff the evidence was wholly written consisting of letters from Walker to the Jones', one of them addressed to their Estate on the River Amit in West Florida dated Saint Vincent November 4, 1777, and the other dated Manchac December 4, 1776. The signatures to these letters are verified by William Walker who apparently has come to New Orleans to attend the trial. His verification under oath is made on the "Holy Evangelists" because he is a protestant and believes in the Bible. Another letter is from Harry Alexander

and Francis Ponset as attorneys for William Walker dated "Richmond February 8, 1778" verified by them on the Bible "because they are protestants." All these letters recognize the debt and no suggestion is therein made of the defense now being actively urged before the Alcalde.

Besides, these letters the Jones' produced a power of attorney from McHenry in their favor dated June 16, 1773 in Northhampton Town, Northhampton County, Province of Pennsylvania empowering them to lease, let, sell or demise all the property owned by McHenry in West Florida and granting to Evan and James Jones one half part of all and singular the lands which they shall take up and secure for said McHenry in said Country. This procuration was translated into French and Spanish and the original returned to the plaintiffs, who closed their offers of evidence with the bills and accounts of Elias Durnford for surveying the land here in question, making maps, etc.

On behalf of Walker the letters and documents previously noted herein were filed and also an "Interrogatorio" and the answers thereto propounded in Walker's behalf to Evan and James Jones, the latter answering for both, viz:

1. Q. Is it not true that in the sale of the 500 arpents of land they made for 1500 pesos to be paid for within nine months, they obligated themselves to deliver a good and legitimate title to ownership for the full cession of the said land within the time of payment?
A. Yes, this is true in all its contents.
2. Q. Why did they not present the said titles four and a half years ago on March 7th, when they agreed to deliver them nine months after the sale, the time when payment must be made.
A. He has not fulfilled his part of the obligation, because Walker had not complied with its conditions. In this contract it also appears that the vendor must deliver the titles only after the payment of the 1500 pesos is verified.
3. Q. What reason did they have for breaking the contract, or sale, entered into for the land, by not fulfilling the obligation agreed upon by not delivering the titles as they had pledged themselves to do?
A. This question is false in all its contents. It was, on the contrary, the purchaser that broke the contract as the letters written by Walker's hand presented in these proceedings, shows.
4. Q. Did Santiago Jones on October 20, 1778 write a letter to Harry Alexander asking his advice in this matter?
A. They never asked advice of any one, what they presented was a request for payment.

5. Q. Is it true that Santiago Jones transmitted to Harry Alexander, as a lawyer, all the documents that he had thinking they were titles in good form to be examined by him so as to conclude the affair.
A. They transmitted the titles referred to in this question to Alexander, as agent only, acting for William Walker.
6. Q. Is it not true that Harry Alexander after he had examined all the documents advised James Jones, immediately, to know if he had any other papers proving ownership more convincingly and if he did not, the contract must end?
A. He refers to the letter written by him as well as the answer to it filed with these proceedings.
7. Q. Is it not true that James Jones seemed very surprised and declared he had no other papers, but thought those he had presented were sufficient for the purpose?
A. This is false in all its contents.
8. Q. Is it not true that Alexander answered it was a matter of difference of opinion, but so as he and his brother might be better satisfied he would explain the deeds to them. The said deeds were explained in detail by Alexander as a man skilled in law and then he offered to put his advice in writing for them as a lawyer.
A. They never consulted him as a lawyer about what he presents, but they did press him several times as a debtor.
9. Q. Is it not true that Alexander proposed to Jones to send to Pensacola to ask the advice of Mr. Wegg, Fiscal of that place, or the most learned counsellor there for an opinion as to what would seem just, for this purpose he would concede three months.
A. He knows nothing about the contents of this question.
10. Q. Is it not true that they decided if they did not come to an agreement with Alexander they consented to pay all expenses.
A. This is false in all its contents.
11. Q. Is it not true that considering they did not have a good title, the sale of the negroes before Carlos de Grand Pre was suspended, in virtue of an order from Bernardo de Galvez until the doubtful point pending could be cleared up, since upon this depended whether or not the demand of Jones would be considered valid and the obligation recognized as a debt.
A. He refers to the letter he has written on this subject, already presented.
12. Q. Is it not true that Alexander offered Jones in the presence of Santiago Mather to leave this disputed matter

to arbitration, so as to avoid loss of time and great expenses to the parties, submitting it to three persons known for their honor and learning from among the English residents of West Florida. For this purpose he named Mr. Wegg, Attorney for the King, and a lawyer, Mr. Stephenson, a merchant of Pensacola, and Mr. Watts a professional man and instructed in the laws of England, the first two as arbitrators and the last as a third in discord in case there should be any?

- A. He said that Alexander appointed the three arbitrators referred to for himself, but the witness refused to accept them, adding that he would name others for his part. Alexander would not agree to his suggestion and said they would have to be precisely the ones named in his question. What he has answered has been the truth under his oath.

This testimony was followed by the offer of a letter from Jones to Walker dated Manchac October 2, 1778, asking the latter to state as briefly as possible his objections to the detention of his slaves as security for his bond so that the writer may lay the same before Governor Galvez. With this is a copy of Alexander's letter in reply denying any liability because the Jones' have no title to the land. Another offer was the procuration from William Walker to Harry Alexander, Phillip Commeyns and Francis Pousset, appointing them his agents while absent in Saint Vincent in the matter of his freehold estate on the banks of the river opposite Pointe Coupee, called Melville Plain containing 1000 acres of land and also a tract on Thompson's Creek running through to the plains containing 2750 acres and another tract of about 500 acres on the English side of Pointe Coupee, adjoining Philip Commeyns which is more than he can at present cultivate and improve and it is his wish to settle on the Plains on his return from Saint Vincent. Therefore, he authorizes his agents to lease, or demise his estate called Melville Plains with all houses and buildings thereon to such person or persons, for such terms, or number of years and under such yearly rent as they, or any two of them see fit, or otherwise, to sell, or dispose of either for life, or lives, or to sell, or grant the estate with all the buildings thereon in fee simple for a price, or sum of money, to such person or persons as they, or any two of them may see fit, provided that the sale is not under 7000 milled dollars, nor at longer credit than five years. He makes further provision for the sale of the other parcels of land adjoining Mr. Commeyns, on condition that it is not under \$3.00 an acre and the time of payment above one year. He further empowers his agents to look after all his personal affairs, such as placing and displacing overseers and white servants, building houses and other necessities on his various estates.

This power of attorney is presented by Harry Alexander with a request to have it verified and ratified by William Walker and that he be called upon to approve all the proceedings that have been taken in his name against Evan and Santiago Jones up until the time his attorney petitions for a definitive sentence of this cause for and before the Superior Tribunal of Appeals in the city of Havana that His Majesty has established there to which he will turn in case the sentence pronounced here does not seem favorable to his client's rights. He further asks that the procuration he has presented be filed with his proofs. Petition granted, and William Walker, as a Protestant takes oath on the Bible, verifying his signature to his procuration and ratifying it together with all other proceedings taken in his behalf by Harry Alexander.

The defendant further offered an Interrogatory and the answers thereto addressed on his behalf to James Mather, viz:

1. Q. Is it not true that Harry Alexander proposed to James Jones to send to Pensacola to ask the advice of Mr. Wegg, a Fiscal of the said place, or the most learned counsellor there, for this purpose he conceded him three months?
 - A. Santiago Mather answers that what he states is true. He proposed to James Jones to appoint as arbitrators, Mr. Wegg, formerly Fiscal at Pensacola and others, this was at a time when Mr. Wegg lived in this capital.
2. Q. Is it not true that Alexander offered to Jones to refer this litigation to arbitration naming Mr. Wegg Procurator of the King and a lawyer, Mr. Stephenson, a merchant of Pensacola and to Mr. Watt, a man learned in the law of England for the purpose?
 - A. This question is true in all its contents.
3. Q. Is it not true that he proposed the two first for arbitrators and the third as mediator in case there should be discord?
 - A. This question is also true in all its contents.
4. Q. Is it not true that he knows Messrs. Wegg and Alexander as lawyers and Mr. Watt also as a person very well instructed in the laws of England, and likewise Mr. Stephenson as a person well versed in commerce as well as law?
 - A. He says he does not know, but it appears that Mr. Wegg has been a procurator at Pensacola. With regard to Harry Alexander he only knows that he has practiced as a lawyer but it does not seem clear if he was a qualified one or not, and added that he thought he has been President of the Court of St. Vincent during eleven years and it occurs to him that he could not exercise this function without holding his patents

of lawyer that belong to the office. And he answered that he had declared the truth.

This finishes the proofs presented by the defendant.

In the various offers of testimony there was produced the original concession to McHenry. Unfortunately this interesting original document was removed by authority of the Alcalde and in place of it was substituted a certificate by Juan Joseph Duforest, the interpreter that

the foregoing titles of concession conceded in the name of the King of Great Britain by Don Montfort Browne, Lieutenant Governor, Commander in Chief of the Province of West Florida in Pensacola on December 15, 1768 of 1000 arpents of land situated opposite the French settlement of Pointe Coupee in favor of Dr. Mateo Machenry and his heirs are valid. This concession was countersigned by Daniel Clark, Secretary and the forenamed 1000 arpents measured as appears from the drawing and certification given by Elais Dunford, General Surveyor of the Province to which he refers and for this reason it has seemed useless to translate the said documents as they conform and are incontestable and in testimony whereof he gives the present for the purposes that are necessary. Dated New Orleans, July 9, 1784. (Signed) Juan Josef Duforest.

The testimony being closed the parties submitted written briefs in June, 1783. It appears that under the Spanish practice no oral arguments were permitted. In March, 1784, the Jones' asked that the case be decided. This produced another brief (or written argument) on behalf of Alexander and a petition signed by William Walker in which he says:

1st. This suit was begun in 1778. 2nd. To defend himself in the Courts it was necessary to make two voyages to the Capital which occasioned considerable expense. 3rd. Immediately after Messrs. Jones finished their allegations he completed his defense, when Alcalde Jacinto Panis ordered a translation made by the official interpreter in whose possession the records remained until the time when he returned after an absence of two years and if he had not come back he might never have been able to know the reason. Fortunately the defense is concluded and translated and is now in the possession of the escribano of the cause. 4th. He begs to represent that his detention in this colony depends solely on the conclusion of this case, therefore he prays that his opponents be ordered to produce their proofs and that the suit be judged and finished.

Thereafter, Alcalde Reggio on the advice of the assessor, rendered the following judgment:

The Court declares and does declare that Evan and James Jones have proven well and completely their action and demand as it was necessary to prove them and that William Walker, defendant, has not proven his exceptions and defenses as he should. The Court declares them badly proven and in consequence of which it must condemn and does condemn the said Walker so that just as soon as this sentence may be passed in authority of a thing adjudged he pay the forenamed Santiago and Evan Jones the sum of 2351 pesos, 6 reales in which sum must be included the interest that has run since six months after the obligation was made at the rate of 8%, besides the cost of these proceedings, the taxation of these costs to be adjusted by Luis Liotaud, for this is the definitive sentence, judging thus it is pronounced, ordered and signed. Fees 15 pesos.

(Signed) Francisco Maria de Reggio. (Signed) "Lizenciado" Juan del Postigo.

Walker thereupon presented a petition of appeal from this judgment to the Superior Court of Appeals in Havana and at this stage the parties agreed to compromise their differences. In a joint petition they set forth that after a consultation upon the matter with learned, conscientious persons they have determined, among themselves, to effect a settlement, William Walker must pay Evan and James Jones 1355 pesos besides one half of the costs of these proceedings. Messrs. Jones declare themselves satisfied with this payment and in consequence agree to pay the other one half of the costs. Therefore they pray that the cause be declared null and cancelled as well as the proceedings to appeal. They further ask that a taxation of costs be made and also request the return of the original documents. This petition is signed by Evan and James Jones and William Walker. Alcalde de Reggio on Postigo's advice rules accordingly. Each one of the litigants signs a receipt for the documents returned to him. Luis Liotaud taxes costs at 133 pesos, 5 reales, July 29, 1784.

February 14.
**Intestate Succession of
Bartolome de Macarty,
Inventory and valuation
of the estate.**
No. 3520. 4 pp.
Court of Alcalde Panis.
No Assessor.

The case opens with the official notice of the death of Bartolome de Macarty, who has died without a will, leaving minor children. For the security of the estate Alcalde Panis orders the succession opened, commissioning the escribano to examine the

**Escribano, Leonardo
Mazange.**

body, collect the keys and bring them to the Court so that the necessary decrees may be given.

Leonardo Mazange testifies to the death and collects the keys. Two were handed to him by Doña Francisca Pellerin, the wife of the deceased. Panis orders the Escribanos to search their files to find the will. Andres Almonester and Leonardo Mazange each certify that no will can be found. Panis rules since Macarty has died intestate he names Francisco Broutin as curator ad lites for the minor children. He is notified, accepts, takes oath and gives bond to act as curator to the minor children, Anna aged sixteen, Eugenio aged twelve, and Theodore Macarty aged nine, constituting Pedro Bertoniére his surety, who agrees to serve. The last entry is the act of curatorship signed by Panis.

February 16.

**Criminal prosecution of
Joseph Leon, Joseph
Pivoto and Manuel,
Soldier of Dragoons for
the robbery of a trunk
belonging to Captain
Antonio Fernandez in
Salvador Cunille's house.**

No. 3500. 65 pp.

Court of Alcalde Panis.

Assessor, Juan del Postigo.

Escribano, Leonardo
Mazange.

This case is reported in full as an excellent illustration of the Spanish Criminal Procedure of this period. It is also an interesting story of the underworld of New Orleans in 1781.

Jacinto Panis issues an order to the effect that at about 8 o'clock this morning he was notified by Antonio Fernandez, Captain of Dragoons of Havana that on the night of the fifteenth while sleeping at the house of Salvador Cunille, called Noy, where he lodges, he was robbed of 300 pesos he kept in a trunk. Acting on this information and to discover the aggressors, or accomplices, Panis files this order to begin the process for receiving the declarations of the persons who are considered to have any knowledge of the crime and done he will render the necessary decrees to continue the proceedings.

The Summary Investigation.

The summary investigation is begun, the first witness to be called and questioned is Salvador Cunille who answers as follows:

- Q. Did he lodge in his house a Captain of Dragoons from Havana, named Antonio Fernandez? A. Yes.
- Q. On the night of the fifteenth did he, Cunille, sleep in his own house. A. Yes he slept there with his wife.
- Q. Did he hear any sound or noise during the night? A. He did not hear anything, except at three o'clock in the morning, after an evening of diversion they left each other, he wished Captain Antonio good night, both retiring to their rooms.

- Q. Does he know anything more on the subject? A. At six o'clock he heard talking in the Captain's room. Joseph Lion, the shoemaker, said: "Sir, I saw a red trunk at the corner." Then the Captain's son said: "Father it is yours, we have lost our clothes." Lion answered: "There are no clothes missing, but the money has been taken." He added he thought the trunk belonged to the Captain just as Lion had said at the time.
- Q. Did the Captain at any time before see any person from the outside near the house, with the Captain's servants, or alone and did any person enter the Captain's room, with his servants, or alone? A. Antonio's servant told his wife that he ran a great risk with his master's son, that some of these days there would be a robbery and he would be charged with it. Besides he had to sustain considerable expenses made from day to day. Lion declared in the presence of Mrs. Cunille, his wife, that the Captain had seen two Dragoons of his Company in front of his house at nine o'clock at night, he immediately ordered the Sergeant of his Company to question them if they wanted anything. They answered no they did not want anything. He, the witness, had not seen anyone in Captain Antonio's room.
- Q. When Lion came to advise the Captain that he thought his trunk was at the corner did he order anyone to bring it back to his house and who returned it? A. His wife saw a Dragoon dressed in a blue uniform with a red jacket and boots, with Lion, at the corner, take the trunk and carry it to Don Antonio's room, but he had not heard anyone order them to do so. This is all he knows.

Mrs. Cunille's testimony. The next witness is Mrs. Cunille, she corroborates her husband's story.

Panis orders Lion, the shoemaker arrested and his declaration taken. He says his name is Joseph Lion, resident of this city, a shoemaker by trade. Asked where he has his shop, he said he worked in a room in Cunille's house. This had been let to him. He also received his meals there.

- Q. Did he sleep in the same room in which he worked? A. Sometimes he did and again he did not.
- Q. Where did he sleep when he went out? He slept in the room of a negress who lived in Pedro Marigny's Court.
- Q. On the night of the fifteenth did he sleep with the negress, or in his room in Cunille's house? This night he left Cunille's house between eight and nine o'clock and having left some beans to soak with Don Antonio's servant he went outside with him, then he left there to go to the negress's house where he slept.

- Q. Did he sleep there all night? When did he leave? A. He remained there all night and did not leave until the Church bell rang for service next morning.
- Q. Where did he go from there? A. He went directly to Cunille's house and abreast of the principal door he looked towards the corner and saw a chest, or trunk and an axe against the wall. He also remarked that the outside windows of the hall of the house were open, although the glasses were closed. He opened the main door that was ajar and entered, but he did not see a servant, nor anyone in the Captain's room. The door was half open, he entered and saw all were sleeping keeping his head in the door of the Captain's room, he began to call "Don Antonio, Don Antonio, with these cries he woke the Captain's son, he questioned: "Who is it?" The witness answered: "did you have a robbery last night?" He said no, the witness added he had seen at the corner, outside of the house, a chest and an axe against the wall for these reasons he woke the Captain, taking hold of his hand that was outside of the bed. He said: "Ha! Uncle they have robbed me." He, the witness, said: "It must be all for the love of God."

At this the Captain got up and in his night shirt leaning against the door looked where the chest and axe were and said to the witness: "Let it be put inside of the house and at this request the witness went out into the street and observing a Dragoon coming along, one of those who had come from Vera Cruz, named Joseph Ochepe Ellemencio, he called him to help him take the chest in the house, together with the axe. And this done the Captain raised the top of the chest, there were no clothes missing, nor the poniard, nor watch, only the silver he had in a bag.

Questioned as to where he was after all the above took place, he said he went into his room for breakfast and began to work until the Alcalde Mayor, Don Hyacinthe Panis, a little while after ordered him sent to prison. Other questions were put to him, but he had nothing more to say.

Eusebio Cordera's testimony. The next witness is Eusebio Cordera who answers as follows: He is a servant to Don Antonio Fernandez, Captain of Dragoons, of the Regiment from Havana and that he arrived here with the boats of the Expedition. He is lodged in Salvador Cunille's house where his master is also lodged. He serves doing the necessary inside work of his room, such as making his bed, cleaning his shoes and all the rest that a servant must do who serves his master.

- Q. Questioned if he slept in the same room as his master, or in a separate one? He said he always slept in the same room except for a few days while he was ill, then he slept in another room.

- Q. On the night his master was robbed did he sleep in his room? He said he slept in the other room where Uncle Leon works and sleeps.
- Q. Did Uncle Leon sleep in this room, that night? No he slept away.
- Q. Was he sleeping alone, or did any other sleep with him? He slept alone, no one slept with him.
- Q. Because of his illness did he have to get up from his bed that night? and how many times? A. After having made his master's bed and that both he and his son were seated upon it, in conversation with Salvador Cunille, he went to make up his own and that he had to get up three times in the night.
- Q. At about what hours? He did not take notice of the time, but he judged that it was after mid-night.
- Q. During the rest of the night did he leave his room again? He did not leave his room, or his bed until morning, when Uncle Leon gave him the news that his master had been robbed.
- Q. Questioned where did he go for his necessities? A. He said ordinarily he went to the toilet of the house, but on this night because of the pains in his stomach he could not do more than go down the steps from his room where he slept so he went out into the street.
- Q. Did he hear any noise during the robbery? A. No.
- Q. When he retired from his master's room did he leave the doors closed? In the morning when he cleaned the room he left the door closed that gives into the street and put a chair across the interior one that leads into the hall, but this night he did not do so as he left him in conversation as he said above.
- Q. When did he hear of the robbery? Just as he has said, Uncle Leon entered in the morning and told him. He answered: "Do not jest with me." At this instant his master ordered him to call the sergeant of the Company and he went out to find him so that he might bring the muster roll. Afterwards he sent him to call the barber and the wig-maker. In the meanwhile the Captain reported the robbery to Don Hyacinthe Panis and showed him the place from which they had taken the trunk and where they had carried it. He, the witness, was present when this took place.
- Q. Has he any suspicions, or reasons to surmise who could have been the thief? A. He said he did not surmise, nor suspect anyone and that he only presumes it to be some one who could have remained hidden under the bed with another to assist from the outside, the one in the room could have opened the door that gives on the street then they could have pulled out the trunk and carried it to the corner, opened it with the axe that they found leaning against the

wall. The thieves then took the money and left the clothes as he has heard his master say.

- Q. Asked if he knows what it is to rob and that thieves are punished by Judges? He said that he knows it, but in this case he is not the thief and that what he has declared is the truth.

Juachin's testimony.

The next witness is Juachin.

Asked if he knew Joseph Lion?

He said Yes. Did he sometimes go to his house to drink? Sometimes he went to drink with him and other times to look for him. Asked if he did not sometimes go to entertain himself playing cards at his house? He answered sometimes he played for amusement. Did they play with cards or dice? and was it at night or during the day? Sometimes it was during the day, he always played with cards. Did he play in company, or at hazard? He sometimes played in company. Did he hear anything said at Leon's about the robbery of the Captain of Dragoons? No. Had he heard others talk of the robbery? He said he had heard about it from the Chief of Dragoons of the same detachment, the one the Captain had ordered to come at nine o'clock of the day after.

- Q. Has he any presumptions of who might have been the author or supposed party. A. He answered that he had only heard it said that the Captain had been robbed and that his servant and Uncle Lion were prisoners and that he did not suppose anything more.
- Q. What occupation does he follow in this city to support himself? A. He is a mattress maker.
- Q. Does he frequently follow his trade? A. He said always and that when he went out it was to look for work or to take a mattress that he had made to some house.
- Q. Does he know Captain Fernandez' servant? He had seen him.
- Q. Does he know his name? A. He does not.
- Q. Did Eusebio Cordera, the Captain's servant sometimes go to his house to drink? He answered that if he had gone there to drink, he did not know his name and that he was the Captain's servant.
- Q. On the morning of the robbery did he not see the trunk at the corner? He saw it.
- Q. Did they miss an axe from the house? Yes they missed it, because there had always been one there.
- Q. Did he know if any of the neighbors missed it? He said no.
- Q. Did he admit any company to his house on the days, or nights that he amused himself playing. A. He answered there were some Catalin sailors, countrymen of his, who assembled to amuse themselves playing.

- Q. Did he at any time furnish any refreshments to drink? He said that at the same time they played he went to look for some bottles of rum at the tavern.
- Q. Questioned if he did not know that it was forbidden, by law, to play in his house, particularly at night? He said he knew that, but as it was a game of cards, it seemed to him that he could continue to play. Other questions were put to him but no further information was obtained.

The slave Manuel,
gives testimony.

The next witness to answer was Luis Druet's slave Manuel, called the Black Prince, Questioned if while he was a fugitive he heard anyone say anything about the robbery that took place in Salvador Cunille's house where the Captain of Dragoons from Havana lodged? He answered the night before the robbery passing before the tavern kept by the mulatto, Gaspard, he saw the negro Jasmin, the wig-maker, slave of Andres Almonester. He was talking to the negress, Fanchon, Salvador Cunille's slave and a mulatto pitted with small-pox, who he does not know except by sight. They were talking to a party in front of the tavern and were not on guard against the witness because they knew he was a fugitive. He heard Jasmin say he was afraid and he did not dare and the negress replied that he would have to take care.

- Q. After the robbery did he hear anything more of the affair?
A. He said no and added that it was only on the day that he was made a prisoner that he had received some information from Yaca, who came to bring food to Joaquin Sequi. She told the witness to keep silent upon the matter, making many promises if he would agree to secrecy.
- Q. Upon what matter did Yaca recommend him to keep silent, and what were the promises that she made to him if he would observe silence? A. He says as he remembers it one or two days after the robbery was committed he was in Yaca's cabin talking to her when a Frenchman, called Joseph Pivoto, with his face muffled in a cloak entered, he carried a bag or sack full of pesos, when she saw him the negress made a sign with her eyes that he go into the other room of the cabin where he left the sack, the negress gave the witness a half real which was immediately spent for brandy.
- Q. Asked if he knew where this money was placed and if there were any other persons present when Pivoto entered with the sack? A. He said no and added that returning from drinking the dram of brandy, he passed in front of Yaca's cabin and from the outside he heard a party counting money. With this answer Manuel's examination was suspended.

Santiago's testimony.

Santiago, belonging to Andres Almonester y Roxas was the next witness to be called, he was questioned if on the night of the robbery he has slept in Salvador Cunille's house? He said yes, that usually he slept there every night, retiring at the beat of the drum that calls the soldiers to their quarters, as the house was closed with a key after that.

Q. Did he hear any noise in the house and at what hour of the night? A. He said he heard a noise of people talking in the room where Leon lived; after hearing two knocks that sounded in the street, this caused him to get up, it was then about four o'clock in the morning. Upon getting up he opened the door of the kitchen, where he slept, he listened to see if he could discover anything, but only heard repeated knocks in the street. He continued to listen and after a good while not hearing or seeing anything he went back to bed and got up a second time in the morning and on going out by the same door of the patio to his work he found an axe leaning against the wall near the corner of the house, and taking it in his hand he recognized it to be good for the use of the troops. He called immediately to the negress called Fanchon, slave of the same Salvador Cunille asking her if it was from the house, or to whom it belonged because he had found it in the place mentioned. The negress answered saying that it was not from the house and she did not know to whom it could belong. The witness answered put it inside for the one who has left it, some time he may come to reclaim the axe. Upon returning to the corner, he met a man called "Uncle Leon" who he questioned, asking him if he had left the axe. He answered yes, he had given it to the negress of the house. Asked if it was his, he said no, it was the thieves who had left it on the night of the robbery. With this Uncle Leon entered to look for it and to carry it before the Captain of Dragoons.

The witness was questioned if he had heard that Uncle Leon had been put in prison and for what reason? He said, at night on going to sleep, as usual in Salvador Cunille's house, the lady asked him what it was that he had heard the preceding night and he answered her as he has previously declared. The lady informed him that Uncle Leon and the Captain's servant had been imprisoned, and it could not be for other reasons than that they had intended to rob.

Asked if after the robbery he had had any other conversation upon the subject? He said on this same night when they all assembled in the kitchen he repeated the conversation that he had had with Madame Cunille before the Captain and added if he had been able to foresee that there would be a robbery, he would have gone out into the street in that case he would have

seen it and would know something about it, but he did not hear any more than the two knocks, immediately after they began to talk in the room, as he has said and he did not suspect anything.

Questioned if much time lapsed after he heard the first blow until he heard talking in the room? He said upon hearing the first blow he awoke, got up and went to the kitchen door and upon hearing the third he opened it and was listening, about a quarter of an hour intervened between the time he heard the knocks until he heard the conversation in the room and for this reason he went back to bed.

In the kitchen where he slept did any other white people sleep? No, no one. Did he have any conversation about the robbery, with the negress, Fanchon, or any other of his negro companions? No with no one. Did he go out for a walk with Fanchon any night before or after retiring? No he never did. Does he know if there lives and sleeps in the same room with Uncle Leon, a white servant of Don Antonio Fernandez, Captain of Dragoons. He does not know. Does he know any further circumstances of this affair? He said, no.

Fanchon's testimony.

Fanchon, Salvador Cunille's slave was the next to appear and was questioned if any night before the robbery at her master's she went walking with Jasmin, or with Santiago as far as Gaspard, the mulatto's house and held conversation with them and if this was not at about nightfall? She had never gone walking with them, or with any other negroes and only went out for a short while, on Sundays, after the middle of the day to Mr. Conand's house to see her daughter.

Does she know Jasmin? No. Does she know Jacques (Santiago)? Yes, he is her husband. Was there a robbery in her master's house, who was robbed? She presumes that it was Captain Antonio Fernandez, who makes his home in her master's house who was robbed. What was stolen? Some silver, or money. Where was the robbery? In one of the rooms, from a chest that was near the head of the bed. Did they also steal the gold that was in the pocket of his trousers? She does not know. Was it on the day she swept the Captain's room? She said it was not on that day, but many times she swept the room and made the bed. Did she do so that night? No.

On that night when the Captain retired did he carry a lighted candle to his room? No it was at nightfall, she gave it to a white man, his servant. When she swept did she open and close the door of the room that gives on the street? No ordinarily his servant did that. How did they rob him, and of what? She did not pay any attention to what is referred to. How does she know they robbed him? She supposes it was because she heard her master say so when she entered to carry the coffee. Did her husband, Jacques, sleep with her that night? Yes. At what hour

did this negro leave his room? He got up at the Angelus. Did he get up any other time during the night before the Angelus rang? Before day he got up because he was awakened by some knocks he heard, about three times and opening the kitchen door he began to listen, a good while passed, then he came back and remained until the hour that she has said.

Before the negro went out of the house, did his master not call him to hand him an axe? Yes as he was closing the house, Uncle Leon came into the courtyard, asked where the axe was that was leaning against the door. The witness questioned him if the axe belonged to him. He said "Yes." Does she recognize the axe that is put before her? Yes, it is the same.

Jasmin is questioned.

Don Andres Almonester's Jasmin was examined upon the testimony given by Manuel, a slave belonging to Luis Drouet, called Langevino, to this effect, was it his custom to go out to take the fresh air at the beginning of the night with the negroes? He said No. Did he go one night, at dark, with a negress owned by Salvador Cunille, called Fanchon, to Gaspard's house? He said no, he only knew her because he had seen her several times. Had he gone on any night to sleep at Noy's house with her, or with any other of his negress slaves? No he had never put his foot inside of his court yard. Had he gone any night alone as far as Gaspard's house, or accompanied by any one? No. Does he know, or has he heard anything said concerning the robbery of Captain Fernandez in Salvador Cunille's house? No, because his master had assigned him to make lime at the lake by San Juan (Bayou St. John) for more than a year, he did not know up to the present hour that there had been a robbery. At the Post where he had worked he had never heard of this news either from the whites, or those of his color.

Yaca's testimony.

Robert Avart's slave woman, Yaca, is now questioned on the testimony given by Manuel owned by Luis Druet called Langevin. Asked what reason did she have to tell Manuel that he must take care and to keep silence, and not reveal the robbery of Captain Fernandez in Cunille's house? It is true she told the negro to keep silence, but it did not concern the robbery, because at that time she had no knowledge of such an act. It was her intention to recommend that he must not say he was a fugitive in her house. One or two days after the robbery did Manuel not go to her cabin, who were the ones to enter while he was there, what are their names, and what did they bring? It is true that Manuel came to her cabin the day after the robbery and while he was there a Frenchman, called Joseph Pivoto, hidden in a cloak, entered and because of this cloak she could not see if he carried anything with him.

What reason had she for making a sign to Pivoto when he entered in her cabin so that he go in the next room and why did

she offer Manuel a drink, when she says that Pivoto did not bring anything with him? She said she did not make any sign to Pivoto, when he entered he went directly to the room and for this reason she thought he had brought something, so she offered the negro a drink so that he would go out of the cabin which he did immediately.

Did Pivoto put a sack on the table, and after Manuel had gone did they not count the money and how much much was there? Yes it is true Pivoto brought a sack of pesos to her cabin, which Uncle Leon and a Dragoon, who came with him, at the same moment Manuel went out, began dividing among them and after the division, they requested the witness not to speak of this to anyone and to this purpose, the Dragoon gave her two pesos from his purse. Asked where was Pivoto when Uncle Leon and the Dragoon divided the money and if these were given their parts. Pivoto put the sack on the table it was without untying it and Uncle Leon and the Dragoon entered alone.

Maria is questioned.

Maria, Mr. Joseph Chalon's slave, was questioned: Since she has been a prisoner has she had any conversation with Fanchon concerning the robbery? Yes, the first night Fanchon entered the jail she told her in the presence of Sally, Mr. Conrad's slave that Andres Almonester's negro had gone to sleep with her at Mr. Cunille's house and on getting up in the morning she found an axe in the court yard near Leon's door, they immediately called Fanchon and showed her the axe so that she could see if it came from the house, but she answered she did not know if it belonged to her master, however she picked up the axe, but Uncle Leon told her to leave it as it was his. She immediately reported to her master, who ordered her to look for Yaca. She told her it belonged to Madame Augustin. Asked if any others knew of the robbery? She said yes, Juaquin, Uncle Leon and Yaca, because these must know of it.

Sally's testimony.

The next to be heard is Mr. Canon or Conard's Sally. Did she have any conversation with Fanchon since her arrest? Yes about the robbery of the Captain of Dragoons, Fanchon had a conversation with Maria, Mr. Chalon's slave in the presence of the witness and she said Don Address Almonester's negro had slept with her at Cunille's house, when he got up in the morning he found an axe near the door of Leon, the shoemaker, he called Fanchon so as to see if the axe came from the house. She answered she did not know, but would take it to her master. At that time Uncle Leon said it belonged to him. She immediately notified her master and he ordered her to look for Yaca as he told her Joachin, Uncle Leon and Yaca must know all about the robbery. This testimony ends the summary investigation.

The writ of arrest.

On April 19, 1781, Alcalde Jacinto Panis orders a writ of arrest issued for Joseph Pivoto, and one of seizure for his property which must be deposited with the General Receiver. The writs were issued and served by Nicolas Fromentin, Deputy Sheriff, who reports back to the Court that he was unable to deliver them as he was informed that Pivoto is in Pensacola.

Prisoners ask for release.

Joaquin Zeguín or Seguin and Eusibio Cordera, each in a separate petition ask to be released from the prison as the evidence does not show that they committed the crime. Panis on Postigo's advice rules; since no act of guilt has been proven against the above petitioners, of the crime under investigation, let them be released.

Pivoto's arrest.

The order for Pivoto's arrest, already issued, is ordered served as it has been reported to the Court that he has returned. The Warden of the prison certifies that he holds Pivoto in prison. Nicolas Fromentin serves the writ of seizure, but says the prisoner has no property to attach.

Joseph Pivoto's testimony.

Joseph Pivoto, or Pivoteau makes his declaration as follows: His name is Joseph Pivoteau, native of the Post of the Alibamon. He belongs to the fixed Regiment of this place. He obtained a leave of absence and has since lived as a hunter and as a voyager, or rower. Where does he usually live, or lodge when in the city? He always lives in Juakin Sequi's house where he has a bed. On the morning following the robbery committed at Salvador Cunille's house did he not enter his own home at an early hour hidden in a cloak with a sack, or bag of pesos? No. Is it true that he went to Yaca's and when she saw him she made a sign with her eyes to go in the other room where he left the bag of pesos? No. A little while after did a Dragoon from Havana, named Manuel enter? No. Did he not drink a dram from two bottles of rum, or brandy that the Dragoon brought with him from Havana? No. Is it not true that after shutting the door of the room the witness and the Dragoon threw the money on the table and divided it into two parts? No. After they had divided the money did the Dragoon give Jaca (Yaca) two pesos in recompense. He saw nothing. Was Leon with Manuel and did they not come together? He saw nothing. When he left Jaukin's did he not charge Jaca not to talk, or reveal anything? He has not seen anything. Did he make a voyage to Pensacola? He just arrived from a voyage there as a sailor. During this voyage has he not played at pass ten? He has not played. Among the pesos with which he played and lost were there not some doubloons of eight, or gold money? He never had any gold money in his possession. Did he play with a soldier of artillery, did he not take his pulse with his elbow resting on the

table, and did he not place a gold doubloon there to make the play have more weight? He remembers of having held a little doubloon of two pesos that he changed with a soldier of the fixed regiment of Louisiana, named Garcia, and that he has examined the pulse of many people. Where did he sleep the night of the robbery? He was at Mrs. Loreins' house at a ball that she gave for a Catalan named Simon and others whose names he does not know. Was he at the ball all night and at what hour did he retire to his lodgings? He spent all night at the ball and in the morning he went with Simon and the other sailors whose names he does not know, to take brandy at Sergeant Clarisen's tavern. Afterwards he took a punch and eggs in front of the tavern and then retired at nine to his lodgings to sleep, at Jaukin's, where he heard of the robbery. On this morning did he not get his rations at the Royal Storehouse and go to Jaukin's with rice biscuits and meat? He answered that he only enjoyed rations from the King for three months more or less and on that morning he could not have taken them as he did not enjoy them then.

Juankin gives his testimony.

Juan Lion, Juankion or Joaquin is questioned; Does he know Joseph Pivoto? Yes, he made a voyage with the witness under his orders. When he went on his last voyage did Pivoto go with him? Yes, he was one of the rowers and left the city April 17, both were on the run to Mobile and Pensacola. At the time of the voyage to Pensacola did he see any money, or did he know of any person who lent him any? He did not see any money, on the contrary he asked a loan, from the witness, of two pesos, which he did not wish to make. He does not know if anyone lent him anything. Who does Pivoto live with in Pensacola? For his labor he was lodged in the Cabaret of two Spaniards whose names he does not remember. He saw that Pivoto helped them at their work. Does he know if Pivoto gambled in Pensacola and with whom? He did not see, nor does he know if he played, all he knows is that Pivoto told him he played and lost 12 pesos. Does he know anything about the Fernandez robbery, or has he heard it from anyone? He says he knows about it from a man named Joaquin Zeguen. Did he not hear anything of the robbery from Pivoto? He never talked about this affair, nor does he know the witness has returned to the city from his voyage and that he is here. Was Pivoto in company with the witness until they arrived in the city? He said no that he supposes he landed just as soon as he arrived at the Bayou. Had he any words with Pivoto that caused him to abandon the witness? He said no, only that the witness said why are you landing, and he answered that it was his wish to which the witness replied what would he do without work and Pivoto said he would steal to support himself.

Panis decrees.

Panis rules with the merits that result from the foregoing summary against Uncle Leon, Joseph Pivoto, the negro Manuel and the

negress Yaca, he recharges them in the prison in which they now are, calling upon the Warden to make the imprisonment evident by certification and to take their confessions.

Francisco Munoz, Warden of the Prison certifies that he holds Uncle Leon, Joseph Pivoto, Manuel and Yaca.

Manuel's Confession.

They begin taking the prisoners' confessions. The first to be questioned is the negro Manuel who says his name is Manuel, he was born in Havana, is a carter by trade, a bachelor, twenty-four years old. He was made a prisoner by Señor Pedro on an order from His Honor, he presumes it is because of the robbery of the Captain of Dragoons. Asked if he remembers having made a declaration in these proceedings and if he wishes it read to him and to have it become a part of his confession. He said yes and having read what is found on pages eleven and twelve of these proceedings word for word he said it is as he had made it and ratifies it and asks to have it become a part of his confession, and in case it is necessary he will say it again.

Yaca's Confession.

Yaca's confession is to the effect that her name is Yaca, she was born in this city, is a servant, unmarried, aged forty-five. She was arrested by Señor Pedro on an order from His Honor, she presumes because of the robbery of the Captain of Dragoons, she remember having made a declaration, when it is read to her she affirms and ratifies it and has nothing to add to or take from it and wishes it to become a part of her confession and in case it is necessary she will say it again.

Joseph Pivoto's Confession.

Joseph Pivoto, a prisoner, is now questioned for his confession; His name is Joseph Pivoto, born in this Province, a resident of this city, unmarried and a rower, aged nineteen. He was arrested by Deputy Sheriff Nicolas Fromentin by order of His Honor and presumes it is because of the robbery of a Captain of Dragoons. He remembers his declaration and when it is read to him as it appears on the reverse side of page twenty he ratifies it, adding he remembers that Uncle Leon entered with a Dragoon who had a girdle around his waist filled with pesos, but he does not remember his name. The two began to play in the presence of the other Dragoon named Zapata because they could not play in Clarison's tavern, on account of the noise and the people, they played about two hours. He also remembers that Mrs. Dreaux' negress had occasion to see Manuel at Yaca's house, she said to her why do you admit him, he is a bad person and could rob you of everything. Yaca turned to Manuel and said why don't you work for your day's wages. He answered he did not have to work. Yaca said; you always return and say you do not have to work, then how could you have earned your day's wages? It was very strange, but the negro Manuel may have happened in

unexpectedly. The witness declares he did not see him again, and only this time.

Did he go to Mrs. La Barre's house to ask for a lantern, on the night of the robbery? He went to her house to look for her quadroon slave named Theresa to take her to the ball. Mrs. La Barre heard him, went outside to question him, saying it was very late for him to come looking for anyone in the courtyard of her house. So as not to say that he went to look for Theresa, he answered that he went to look for a lantern. Mrs. La Barre scolded much and threatened to have him arrested if he came another time.

He was reminded why did he say in his declaration that he spent all the night preceding the robbery at Mrs. Chalan's ball when it appears from his last answer that he went at an unseemly hour of this same night to look for Theresa? He said it was not at an unseemly hour, it was just a little while after taps were sounded.

He was reminded, why does he contradict himself saying one time that when he arrived at Yaca's house he carried a sack of rice and meat that had been given to him as rations and another time he said it could not be rations as he did not enjoy them, only having been credited with them from March 1st until the end of the voyage he made for the King to Pensacola. How can he verify the truth for the twenty-five and a half pesos delivered to him by Captain Tuon at the rate of eight and a half pesos each month? He said it could not have been the same day as the robbery that he carried the rice and meat to the house as he went various other times for his food.

Asked if what Yaca and Manuel have said in their confessions is true, namely that the first time he entered with a sack of money, afterwards dividing it with Uncle Leon and the Dragoon, then he left and went out with them later returning with the rice and meat? He answered they say what they like.

Why did he perjure himself by denying the truth that he took part in the robbery, that he entered with the sack of money and after the sign Yaca made him with her eyes he went into her room and left the money on the table and upon the arrival of the Dragoon and Uncle Leon they counted and divided it. According to the memorandum made at the beginning of this confession, he, himself declares the Dragoon had a belt filled with money and was playing with Uncle Leon for about two hours, the latter began to win, afterwards he lost and then the Dragoon won some fourteen, or fifteen pesos. Uncle Leon could not have played if they had not immediately divided the money from the robbery, because just as soon as he reported it to His Honor he was arrested. Therefore the witness after he entered with the sack of money, according to what the other witnesses have declared was present to count it, he took his part, as one of the accomplices, and began to play with Uncle Leon and the Dragoon. This

statement is further verified by Manuel's declaration, in which he says that they gave him as an excuse for closing the door of Yaca's room, while they palyed, that they did not wish to be seen.

He said so as not to perjure himself, he confessed, finally, that Uncle Leon made him a present of twelve pesos and a half for having carried the sack of money. It happened in this way, at day break of the day of the robbery at Salvador Cunille's house, he having gotten up out of bed, Yacca asked him if he would pay for the liquor, he answered her that he did not have the money. Yaca took a real from the top of table at the same time Manuel arrived bringing it. The three drank, then he went to the door to clean his shoes, while there he heard a whistle, upon looking towards Cunille's house from which the sound seemed to come, he saw Uncle Leon at the door of his room, making a sign with his hands to go to him, which he did, then Uncle Leon drew out a sack full of pesos wrapped up in a leather apron, such as shoemakers use, he handed it to him saying; carry this to Jaukin's house, who is in his home and tell him he must not say anything until he, Uncle Leon, arrives. He, the witness, really carried the sack of money covered with his cloak, arriving at Jaukin's place he found Manuel and Yaca were there. They asked him what he brought, he answered money and then they went in the room, put the money on the table and covered it with a white cloth. Uncle Leon came immediately after with a Dragoon, then the three seated themselves with Uncle Leon in front of the Dragoon, with the table between them, he, the witness went out for a minute, and when Uncle Leon saw the negro, Manuel seated near the door he said: "What are you doing here negro?" "Get away from here." Then asking for some cards, the witness went to get them. When he came back into the room and placed the deck on the table he found Uncle Leon with the sack of money before him, he had taken some pesos from it and showed them that they were for play. At that time the Dragoon was also taking some money from his pocket that he put in front of him. The witness left them alone going out by the door that gives into the Court yard, from there he heard the noise of money and some conversation within, the two pretending that they played and that they were supposed to have some difficulty that led to a dispute. In the course of a quarter of an hour, a little more, or less, they left the room and called the witness: "Come here Pepillo," giving him the deck of cards at the same time placing in his hand nine hard pesos, besides three pesos, three and a half reales, saying this is for you, keep silence. With this the three went out taking the road to Cunille's house, then he and Uncle Leon went to Widow Augustin Moreno's, from there he retraced his steps to Jaukin's, where Uncle Leon lives, crossing the street in front of Sergeant Clarisen's place, he went on the banquette on this same side to Cunille's home where he had a room in which he worked as a shoemaker. From there a

little later Mr. Cunille's mulattress came with an axe in her hand, asking him if he knew to whom it belonged, in the house. The witness called Yaca, repeating the above question to her, she examined it and said it was not hers. He called Mrs. Widow Augustin's slave and questioned her if it was from her house, but she said no, she had hers. He sent away Cunille's slave, and a little while after another messenger came from Mr. Cunille's, called Rafael, Yaca's son, and both mother and son having returned the former exclaimed, addressing the witness, "Oh, Mr. Joseph, Uncle Leon's money is stolen money," to which he answered; "this being so there is no other remedy but silence." A little while later he knew that Uncle Leon had been taken to jail.

He was reminded if he knew from this moment that the money was stolen, as the foregoing circumstances have proven, and of the arrest of Uncle Leon, not being ignorant of the proceedings taken by His Honor, why did he not go immediately to report all the abovesaid, not only has he maliciously neglected this necessary formality, but he has also hidden a grave crime which is contrary to Divine Precept and human law? He said he knew his error and repented of it. He is sorry he neglected to report this robbery the moment he knew it, but it was not malice that prompted him, but the fear that some injury might befall him as he was threatened by Uncle Leon when he charged him to keep silence. This has also been omitted in his declarations. He remembered that Uncle Leon was still in prison, he passed in front of the jail to go to carry some provisions to Jaukin, the former repeated his threat, saying to him: "By God, Pepillo, keep silence, for when I leave here you will see who I am."

He was asked does he not know of the offense he has offered to God by violating the seventh of his precepts in which is included not only those who steal, but those who conceal, or co-operate to rob and the punishment imposed by law in all monarchies is the same for all who incur it? He said he was not ignorant of it, but his innocence and youth had led him to fall into this fault of not having been prompt to report what had taken place. When he took the money he did not know that it was stolen. He knew Uncle Leon as a gambler and judged this sum had been gained in the usual way through games of chance.

Uncle Leon's Confession.

They now proceed to take (Joseph Leon), Uncle Leon's confession. He was reminded that he had failed to tell the truth in his declaration on pages 5 and 6, as to say that he left Mariana Godeau's house at the stroke of prayer, on the morning of the robbery, when it appears from these proceedings that he left before so as to have time to commit the theft with Manuel the Dragoon from Havana. He refers to what he has said in his declaration, namely that he went out on the stroke of the bell for prayer on the morning of the day of the robbery.

Asked how can this be true when it appears from the proceedings that at this time the robbery had already been committed, the witness having called from the door of his room, in the same house as the robbery, to Joseph Pivoto to come to him, and to whom he gave a sack of pesos? He said he is condemned because he does not speak the truth.

Reminded how can a witness fail to tell the truth who saw the act and confesses sincerely to all the circumstances, namely that he was cleaning his shoes at the door of his house, when the accused whistled to him, Pivoto, turned his head at the sound, he saw and called him over with his hand, at this sign, he crosses over to him and then he delivered the bag of pesos, telling him to take them to Jaukin's, and if he was in his house not to say anything until the witness arrived. All these particulars could not have been invented nor composed. He can not deny it, because it is against all sense of probity and of an honest man? He said he was convinced already of the justice of this accusation and moved by the sincerity of his repentance he confesses his crime to be thus as Joseph Pivoto has declared although he has forgotten a little of all the circumstances. He acknowledges that on the night of the robbery, a few hours before it took place, he went to Sergeant Clarisen's tavern to drink punch, he invited all those around him to drink, among whom was the Dragoon from Havana, named Manuel, after having taken his drink, he went out, followed by this Dragoon who proposed to him to break open the chest, belonging to Don Antonio Fernandez, Captain of Dragoons from Havana, that night, as it was known to contain money. It was a conflict for him as he had lost, at play, considerable sums of money that he had gathered together. The occasion was furnished because the Captain lodged in the same house as the witness, when they separated he went to his room. Mrs. Cunille demanded that he settle his account with her. The opportunity to rob presented itself because the Captain was not in his room. He entered and lifted the hooks that held the two middle doors that formed the entrance to the street, leaving only the bolt by which they are opened and closed. The hour appointed was between two and three of that morning, the Dragoon joined the witness in the street, carrying an axe under his cape, they entered the room by raising the bolt and opening wide the doors because there was no obstruction, they then drew the trunk towards them, the witness consenting to help, they lifted it into the street, he returned to close the door after them. They carried it to the corner of the same street where the Dragoon drew out the axe and forced upon the lock of the trunk and removed a bag of pesos he found inside without touching any of the clothes. Then they immediately abandoned the trunk on the corner and placed the axe leaning against Cunille's house, they took the road to Jaukin's place and upon seeing Pivoto in the door they called to him to give him a sack of pesos that he

put in the said house where he and the dragon entered at once, the latter took some money from the sack, the rest remained for him which amounted to some 217 pesos. Then they went to the house of the Gallego, called Joseph Basques and calling him to the door, invited him to play. They gambled and he lost all of the 217 pesos. From here he went to the negress, Mariana Godeau's house and while sitting in one of the rooms he lighted a cigar. He went to Cunille's house at the ringing of the Ave Marias in the Parish Church and seeing the Captain's trunk in the same place where he left it, he entered the house and went directly to wake the Captain and tell him the news.

Questioned if it is true as the witness has declared that the Captain's son exclaimed; "They have left us stark naked", and that he, the witness, satisfied and consoled them by telling them the clothes had not been taken? He answered he did not remember positively, but he may have said it.

Did he know from where the axe was taken, who took it, and to whom does it belong? He does not know, that it has been confessed that the Dragon brought it under his cape, but they did not talk about it when they agreed upon a plan for the robbery.

Why did he say the Dragoon was named Manuel, as it is said, he must not only have known his name and surname, if not, at least his qualifications as it is not likely that he, without having discussed the matter and been well acquainted with a person, would have consented from the first, to the execution of a crime, such as domestic robbery? He said it is true he did not know more about him, than from his exterior manner, he met him several times in conversation with the others and for this reason not only did not know his surname, nor his name either, and only called him as he had heard him cited in these proceedings, and as for the confidence he had placed in his proposition, it was the Demon and passion that blinded him and without any other reflection, in such a critical moment he went immediately to gamble with the 217 pesos that remained for him in the sack that had been stolen.

Asked what part of the stolen money did he give to the Dragoon? He answered he did not know, as he has already confessed, the Dragoon took a certain sum of pesos, without letting him know how much, he only knows what remained in the sack, because he lost it and counted it afterwards.

Did the Dragoon take his part in gold doubloons such as Captain Fernandez misses? He said there was no gold money in the sack. The Dragoon may have found some in the trunk, but he did not pay much attention to these circumstances.

He was reminded how can he deny having seen a sack of gold in the trunk since he had a part of what the Captain misses, it must be clear to him that the money was stolen up to the last maravedi, and as an interested party he benefited in the division? He said he referred them to his foregoing answer and as for his

benefiting by the partition it was agreed that they would go afterwards to inquire, but this did not take place because he was arrested just as soon as the robbery became known, he has not seen anything more of Manuel, nor spoken to him.

Questioned which one of the two, the Dragoon or himself removed the Captain's trousers that were under the pillow at the head of the bed, looked in his pockets and took some gold money out of them, besides some silver money that he had in a head dress? He said just as he has confessed, he entered the Captain's room to lift the hook of the half door that gives into the street, secured only with the bolt, and when Manuel entered to lift out the trunk he received it at the edge of the door leading to the street, but as he did not enter the room this time he could not have been the one who took up and examined the trousers, it must have been the Dragoon who was inside.

Reminded at his age how can he be ignorant of the fact that robbery is a crime and opposed to the usages of society, it is prohibited by Divine Precept, and by human laws, threatening those who commit it with eternal punishment and condemnation, besides inflicting penalties and dishonor upon the criminal. It has been so easy to become guilty of this offense, since he is without fear of God, is lacking in religion and scorns the laws of his Sovereign? He answered he is not ignorant of the justice of this accusation, but he was led into error by the hope of the profit he expected to gain, besides pricked by his previous losses through gambling, blind to the consequences and hoping to recover his losses and to alleviate his misery he fell into this sin. He repents and detests it and offers to make amends in the future. His confession is read to him word for word, then he affirms and ratifies it.

Appointment of prosecuting attorney.

Alcalde Jacinto Panis on Postigo's advice names Francisco Broutin Prosecuting Attorney of this cause, so as to draw up the accusation brought by Don Antonio Fernandez, Captain of Dragoons of Havana, against those who have been charged with the offense in this investigation. Broutin accepts and qualifies, drawing up the charge against Joseph Leon, Joseph Pivoto and Manuel, the soldier, all of whom he accuses of the crime of robbery. He prays that they be condemned as thieves and ordered to pay back the 300 pesos stolen with costs, together with the punishment prescribed by law for the crime they have committed. Panis on Postigo's advice orders this sent to Leon, so that he may name a defender which he does in the person of Rafael Perdomo.

Perdomo accepts office.

Perdomo accepts, takes oath and presents a petition in favor of his client to the effect that according to the confession Leon has made in this tribunal he was the principal criminal in the robbery, consequently he can not obtain any indulgence, therefore he prays that the proceedings be concluded and definitive sen-

tence passed. Panis sends this petition to his Auditor of War upon whose advice the following sentence is passed.

Indicted.

"In the city of New Orleans on the twenty-first of November of one thousand seven hundred and eighty one, Senor Don Jacinto Panis, Alcalde Ordinario of the First Vote of this city and its jurisdiction having seen these records of the crime that has been proven against Joseph Leon, said: that he must and does charge him with the crime and gives him a copy of the proceedings so that he may allege what may be necessary for his defense. Receiving from now as he does receive this cause for proof within the term of fifteen common days and with the conditions of all charges of publication, conclusion and citation for definitive sentence within this time the witnesses must ratify the testimony of the summary investigation and let the assertions of those who may have died, or are absent, be made good. For this is his decree rendered and signed."

The Court then devotes itself to the ratification of the testimony in the following order, Salvador Cunille, his wife, Maria Olivier Cunille, Joseph Pivoteau, Eusebio Cordera, Juanchin (Joaquin), the negro Manuel, belonging to Luis Drouet, the negro Jasmin, the wig maker, slave of Andres Almonester, Joseph Chalon's Marie, Mr. Cunille's Francisca called Fanchon, Santiago belonging to Andres Almonester, Mr. Conard's Sally, each in a separate declaration ratifies the testimony given in the summary investigation.

Sentence.

When all the witnesses have ratified, Jacinto Panis orders the proceedings sent to the Auditor of War for his advice so as to render final judgment, which is as follows: Joseph Leon is condemned to six years imprisonment at the Fortress of San Carlos in the city of Havana, despatching in due form to the Colonel of Dragoons of the same body an enclosure of the declarations made by Joseph Pivoto and Yaca and the confession of the condemned criminal, Joseph Leon. Joseph Pivoto must be exiled for six years two leagues away from this city, for his violation of the law, and must spend the time of exile within some fortress, and Yaca is condemned to the pain of 200 lashes for this is the definitive sentence, thus it is judged, pronounced, ordered and signed. Signed Jacinto Panis. Signed Lizenciado Juan del Postigo.

Thus ends the first criminal record found in the Spanish Archives in which the prisoner agrees to plead guilty so as to avoid further legal proceedings.

Note. It will be noticed that the Dragoon was not condemned, possibly because as a military man, the accused had to be tried before a military tribunal. It was doubtless for this purpose a copy of the evidence was transmitted to the Colonel of Dragoons at Havana—Ed. La. Hist. Qrtly.

(To Be Continued)

BOOK REVIEWS

BY THE EDITOR OF THE QUARTERLY

AN IMPORTANT BOOK ON THE COLONIAL HISTORY OF LOUISIANA

Rowland & Saunders Mississippi Provincial Archives, 1704-1743,
French Dominion, Vol. III, Jackson, Miss., Press of the Missis-
sippi Department of Archives & History, 1932.

THE QUARTERLY has noted the appearance of Volumes 1 and 2 of this Series (La. Hist. Qy. 11, 111, January, 1928, La. Hist. Qy. 12, 464, July, 1929), and we can only repeat our previous enthusiasm over this work. The volume in hand develops the richness of the field even more thoroughly than we had expected. It relates primarily to Bienville and we have here a selected file of his letters and reports to the home government in France from 1704 to 1743. There is a gap of seven years between 1726 and 1732 when Bienville was in France and out of touch with the Colony. He was returned to Louisiana in 1732 to succeed Governor Perier and thereafter the file has something for each year until 1743 when he resigned and left Louisiana forever.

While there remains in the French archives and in the Manuscript Department of the Library of Congress much other material bearing on this hitherto unknown era of our history, it is nevertheless true that Messrs. Rowland and Sanders have reproduced in these three volumes quite sufficient and practically enough material for a restudy and a full understanding of Bienville's career in Louisiana with one possible exception, namely, Bienville's "land grab" in 1719 of the unoccupied land above and adjacent to the upper limits of New Orleans and across the river from the same. It has been charged that this selfish act stunted the growth of the colony at the apex of the activity of the Company of the Indies and contemporary local reaction was not inarticulate. It is certain that it had much to do with his recall in 1726. The Quarterly has devoted much space to this remarkable transaction (La. Hist. Qy., Vols. 10 and 11) and the writer covered it somewhat fully in the number for April, 1927. It was from every point of view an unusual and unfortunate adventure, but

final judgment cannot be rendered on the problem until we have further light on it.

But there is more in this volume than Bienville's letters and reports. We meet many people whose acquaintance we are glad to make, including old friends whose records are now clarified. This is not all, for there are other documents that cover the local administration of the Colony up to 1726, and those that bear on the troublesome years from the founding of New Orleans to Bienville's recall are particularly valuable. To say that these throw new light on our history is stating very imperfectly the effect of these documents. They do in fact turn a light on that period for the first time, but the piece de resistance of this volume is the excellent translation of Bienville's Memoir of 1725-26, that famous account of his life in and service to Louisiana during the twenty-seven years preceding his recall to France in 1726. This is believed to be the first full printing of that celebrated document, and it would adorn the literature of any age. It lifts Bienville high in the estimation of posterity and if no other document of that obscure era had survived, we could rebuild its history out of the temperate, truthful and convincing argument presented by Bienville in defense of his career in Louisiana and perhaps of his liberty and life.

This well printed and thoroughly annotated volume reaches high water mark in every respect. It is the greatest contribution yet made toward the rewriting of the history of the first half century of life in Colonial Louisiana. The authors may well say *exegi monumentum aere perennius*—"We have reared a monument more lasting than brass."

A NEW BOOK ON PIERRE SOULE
THE MISSION TO SPAIN OF PIERRE SOULE, 1853-1855

A study in the Cuban Diplomacy of the United States by
Amos Aschbach Ettinger, D. Phil. (Oxon.) New Haven; Yale
University Press, 1932. Price \$4.00.

THIS is a long needed and very acceptable contribution to our knowledge of one of the political leaders of Louisiana in the decades closed by the Civil War. While the purpose of the author is explained in the title of the book, he has properly reviewed the life and career of Pierre Soule from his birth to his death. While

the whole book is redolent with the personality of Soule, Chapter III, entitled *The Evolution of Pierre Soule* is a fine example of the skill and ability of the author. It is safe to say that in this particular chapter we have all that is likely to be known of the personality of one of the remarkable personages of that era.

Soule was born August 31, 1801, "in Castillion-en-Couserans, a small town nestling among the French Alps in the Ariege." He died in New Orleans, March 26, 1870, having suffered in the last year of his life a mental aberration during which he destroyed "most of his personal papers." In this period of sixty-nine years Soule rose from obscurity to a place in the sun, surrounded always by an atmosphere which made him enigmatical to most of his contemporaries and certainly left a problem to posterity. This fine book clears up the mists, and brings Soule before us in his true relation to his own soul and to the times in which he lived.

Though Soule's battles, successes or failures are no longer matters of consequence, yet, Mr. Ettinger's book should be read by everybody, for it is an outstanding illustration of clear narration, sound perception and honest interpretation. It is besides consecutively interesting. Every chapter has its thrill, and the story marches from start to finish with the ardor, and the dignity of true history. It is really a great book and the author is to be congratulated on his achievement.

On the main purpose of the writer "*The Mission to Spain*," we have space only to say that it is a masterly presentation of that extraordinary incident in the diplomatic history of the United States. We printed in the *Quarterly* for April, 1932, the paper of Mr. J. A. Reinecke, Jr., on the Diplomatic Career of Mr. Soule. Of this paper Mr. Ettinger correctly says it is an "excellent miniature" and we may add it is a foretaste of the larger treatment of the subject in Mr. Ettinger's book.

The weary reader of the sketchy biographies of this day will find here a story that should be read from beginning to end. It has all the interest of novelty, and yet is a sound historical contribution that will do much toward exciting the wonder of this generation concerning the working of the political mind of the South in the Ante bellum period.

We should note that the Louisiana Historical Quarterly has proved of use in the creation of this book and that due credit is also given to the coterie of New Orleans scholars and collectors who have been of some assistance to the author. The publisher

should also be thanked for the noteworthy printing and fine craftsmanship that makes the book in all these aspects a blessing to the eye and a delight to the mind.

PROFESSOR READ'S GREAT BOOK ON THE NATIVE AND FOREIGN
ELEMENTS IN THE FRENCH DIALECTS OF LOUISIANA

Louisiana-French by William A. Read, Ph.D., Professor of the
English Language and Literature in the Louisiana State Uni-
versity. Louisiana State University Studies No. 5. Louisiana
State University Press, Baton Rouge, 1931.

PROFESSOR READ needs no introduction to the readers of the Quarterly. Besides being one of the Vice-Presidents of the Louisiana Historical Society, he printed in these pages in 1928 *More Indian Place-Names in Louisiana*, a supplement to his major work on that subject published by Louisiana State University in its Bulletin, February, 1927, and the paper on *Istrouma* in the Quarterly for October, 1931, telling the origin of the early Indian name for Baton Rouge. The members of the Society also remember his vivid lecture on the topic he has made his own "Indian Place Names."

His labors on these subjects have indeed been great, but this new book *Louisiana-French* puts Professor Read in the first rank of Louisiana scholars. In the presence of so much labor such vast knowledge so modestly presented, we can only express our own humility and confess our inability to do anything but praise this great and original contribution to a subject that is of perennial interest—a glossary of the French language of Louisiana.

Starting from the premises that "two varieties of French different yet closely related are spoken in Louisiana" he proceeds to study and analyze the several elements that have not only merged in current speech, but have operated to establish names of persons and places that are permanent features of the State.

In this survey he treats in separate paragraphs the Native Element, French words; The Foreign Element, Indian words; German words; English words; African words; Spanish words and Italian words. Then follows a section on Geographical names covering Place names, Indian, French and Spanish, with a special paragraph upon the Ouachita Region in 1797. A fifth full paragraph is devoted to Surnames from Southern France.

It will be seen that we have here a disquisition that is of infinite usefulness from both the personal and historical point of view. Aside from the human interest, it is really absorbing to follow his patient tracking of names and words to their proper sources; he has established a classification that must be permanent. While this book would seem to be addressed to Louisiana-French, it has a much broader scope, for it is really a history of all the words and phrases that from the beginning of life in Louisiana entered into the bone and blood of our common language. We believe it is an indispensable book, for we know no other like it nor any book that gathers within its covers everything presently known upon the origin and meaning of the names of people, places and things that enter into the familiar everyday life of Louisiana.

The book is well printed and is illustrated with rare old pictures and maps. It has a good index and an elaborate bibliography. So far as we have noted, it is practically free of typographical errors.

A BOOK BY PROFESSOR JAMES K. GREER

A Texas Ranger and Frontiersman. The Days of Buck Barry
in Texas, edited by James K. Greer, The Southwest Press,
Dallas, Texas, 1932. Price \$3.00.

LONG ago the constant pressure on the Quarterly's space for work strictly concerning Louisiana settled the policy to review no book that did not touch on or contribute to the history of this State. We break the rule in this instance in honor of Professor Greer whose masterly review of Louisiana Politics, 1845-1860 in the Quarterly for 1929-1930, has left us under a debt of gratitude.

The story told in this well printed and uniquely illustrated volume is, however, well worth a notice and a recommendation. It is based on the life and adventures of James Buckner Barry of North Carolina, who was born in 1821, and in his early manhood moved to Texas and died there in 1906. The adventurous life led by him in Texas began when it was an independent Republic, continued through all the changes in her destiny and included all the experiences of a frontiersman, fighting Mexicans, Indians,

Horse thieves and Outlaws. He was besides a farmer, a politician and a soldier. In short, he gave his life whole-heartedly to the things at hand and notwithstanding his constant activity and the melee in which he lived, he survived the ups and downs of such a life to die in his own bed at the good old age of 85.

Professor Greer has edited an old diary and the papers left by this adopted son of Texas, but he has added to this much entertaining and interesting data, gathered by him in long research and laborious care, with the result that his modest claims as editor should really be enlarged to author of one of the kind of books that has a constant appeal to the reader of stories of a manly man's adventures. We have here a plenitude of fighting, of good stories, of the philosophy taught by woods and deserts and lonely nights and days on the trail and in camp. It is a book that boys and young men should delight in and if my own experience with it is worth anything it is a book for old men too. We heartily commend this work of our friend and co-worker in the history of Louisiana. It is written with the touch of an historian, but also with an eye on the inherent appeal of a good story of adventure.

A BOOK ON THE INDIAN POLICY OF DE ANZA

FORGOTTEN FRONTIERS. A study of the Spanish Indian Policy of Don Juan Bautista de Anza, Governor of New Mexico, 1777-1787. From the original documents in the Archives of Spain, Mexico and New Mexico, translated into English, edited and annotated by Alfred Barnaby Thomas, Associate Professor of History at the University of Oklahoma, (University of Oklahoma Press, 420 pp., \$5.00).

(Reviewed by Francis P. Burns, Editorial Staff of the Quarterly)

THIS is the first of a series of publications to be issued by the University of Oklahoma, having for their theses the civilization of the American Indian. In this volume the Indians of North America whose histories are traced are two of the most noted tribes and fiercest warriors in the annals of frontier life in the West—the Apache and Comanche Indians of that part of the West now composing the States of New Mexico, Colorado, portions of Eastern Arizona, Western Texas, and a part of Oklahoma.

The major part of the book covers translations of six diaries and numerous letters in the official archives of Spain at Seville,

at Mexico City, the British Museum, and the State archives at Santa Fe, as well as some others in the Bancroft Library at Berkley, California. Professor Thomas has made an excellent rendition into English and has written a scholarly and exhaustive essay and critical analysis as an "Historical Background" to give the student of these old diaries and letters a clear grasp of their historical significance. There is a geographical description of New Mexico written in 1782 by Fray Juan Augustin de Morfi, to which is appended a large map of the country by Don Bernardo de Miera y Pacheco in 1779. But the outstanding features of the book are the diaries and correspondence of Lieutenant Colonel Don Juan Bautista de Anza, who later became Governor of New Mexico in 1777, and remained in that capacity until 1787. "The theme of this study is to present the contribution of Governor Anza in handling the Indian barricade in the key province of New Mexico—the bulwark of New Spain."

When we remember that the Province or Colony of Louisiana in the period from 1777 to 1787 was under the domination of the Crown of Spain, we can readily appreciate the aptness of Professor Thomas' title in regard to the forgotten frontiers of the Province of Louisiana then under Spanish suzerainty, and hence this valuable source book should prove of more than passing interest to those who have made a study of Louisiana as a Spanish Territory.

Don Anza was born at Fronteras, State of Sonora in 1735, and spent a life time among the Indians. At the time of his appointment in 1777 as Governor of New Mexico, the Western frontiers of New Spain were ringed by the fierce Apache and Commanche tribes, barring the way to the western advance of the Spaniards to the Pacific coast. In this study of the career and record of deeds of this frontier captain, Indian fighter, explorer, colonizer and governor, who was also the founder of the City of San Francisco, Don Anza emerges at the hands of Professor Thomas as a character whose heroic exploits should prove of considerable usefulness to those engaged in an examination of the efforts of the Spaniards to erect an Empire in the western half of the United States beyond the Mississippi River.

From the standpoint of arrangement of material, paper, type, and reference bibliography the volume is a creditable effort. It is well indexed and documented. A minor criticism may be noted, the diaries and correspondence of Governor Anza

carry a series of editorial notes, which, for lack of a sufficient sub-title makes it uncertain whether the editorial notes and commentaries apply to the writings of Governor Anza or to the text of Professor Thomas' essay on the Historical Background of the Spanish narratives.



